

BY AUTHORITY OF CONGRESS.

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THE  
**Public Statutes at Large**  
OF THE  
**UNITED STATES OF AMERICA,**

FROM THE  
ORGANIZATION OF THE GOVERNMENT IN 1789, TO MARCH 3, 1845.

**ARRANGED IN CHRONOLOGICAL ORDER.**

WITH  
REFERENCES TO THE MATTER OF EACH ACT AND TO THE SUBSEQUENT ACTS  
ON THE SAME SUBJECT,

AND  
COPIOUS NOTES OF THE DECISIONS

OF THE  
**Courts of the United States**

CONSTRUING THOSE ACTS, AND UPON THE SUBJECTS OF THE LAWS.

WITH AN  
**INDEX TO THE CONTENTS OF EACH VOLUME,**  
AND A  
FULL GENERAL INDEX TO THE WHOLE WORK, IN THE CONCLUDING VOLUME.

TOGETHER WITH  
**The Declaration of Independence, the Articles of Confederation, and  
the Constitution of the United States;**

AND ALSO,  
TABLES, IN THE LAST VOLUME, CONTAINING LISTS OF THE ACTS RELATING TO THE JUDICIARY,  
IMPOSTS AND TONNAGE, THE PUBLIC LANDS, ETC.

EDITED BY  
**RICHARD PETERS, ESQ.,**  
COUNSELLOR AT LAW.

The rights and interest of the United States in the stereotype plates from which this work is printed, are hereby recognised, acknowledged, and declared by the publishers, according to the provisions of the joint resolution of Congress, passed March 3, 1845.

**VOL. I.**

**BOSTON:**  
**CHARLES C. LITTLE AND JAMES BROWN.**

1845.

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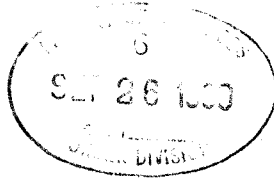
vol 1

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Entered according to Act of Congress, in the year 1845, by  
CHARLES C. LITTLE & JAMES BROWN,  
in the Clerk's Office of the District Court of the District of Massachusetts.

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PHILADELPHIA:  
STEREOTYPED BY L. JOHNSON & CO.

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CAMBRIDGE:  
METCALF AND COMPANY,  
PRINTERS TO THE UNIVERSITY.

TO THE  
HONORABLE JOSEPH STORY,

ONE OF THE ASSOCIATE JUSTICES OF THE SUPREME COURT  
OF THE UNITED STATES.

MY DEAR SIR :

IN expressing to you my sincere acknowledgments for your permission to inscribe this work to you, I have afforded to me the opportunity to record my full sense of your high judicial character; of your deep and universal learning in the law; of the great value of your decisions on the important questions of constitutional and statute law which have come before the Supreme Court during your long and honorable presence in that tribunal, in the maintenance of those constitutional principles on which, only, our government can permanently rest; and of your arduous and successful labors to elevate and diffuse the science of jurisprudence in our country.

In other relations to you, I ask leave to declare my grateful feelings for your kind and affectionate friendship, and for the esteem with which you have always been pleased to regard me.

This work is indebted to you for its existence. It has been prepared according to a plan suggested by you; and in your approbation of the manner in which it has been edited by me, there is a perfect assurance that it will receive the sanction and support of all. This is a proud and complete title to the claims of the work to public patronage.

I have the honor to be,

My dear Sir,

Very respectfully and faithfully,

Your obedient servant,

RICHARD PETERS.

PHILADELPHIA, *January*, 1845.

# ADVERTISEMENT.

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THE Publishers would call the attention of all those who have occasion to consult the laws of the United States to the following characteristics of this edition, which justify them in unhesitatingly recommending it as worthy of the public approbation, in addition to high testimonials in the accompanying letters as to its merits.

1. It has the sanction of Congress, and is issued under their auspices. It is to be the edition supplied to the officers of government, and an interest in the copyright is reserved to the United States.

2. It will contain *all* the laws, and yet will be put at a less price than those editions which contain only a portion of those laws. The purchaser will be sure that he can find every law which he may have occasion to refer to.

3. It is enriched with copious notes of the decisions of the courts of the United States on the several statutes, and with references to other statutes.

4. It will be the only edition in which the laws are chaptered as is directed by the joint resolution of Congress of March 3, 1845, except the session acts, which are too expensive to be within the reach of but very few persons.

5. It can be relied upon for accuracy. It is printed with great care, from authorized editions of the laws, and then is subjected to a careful revision by the records at the seat of government. The value given to it, by so great care to secure its entire authenticity, will be at once perceived by all professional persons. The Publishers would refer those whose pursuits have not given them occasion to appreciate the importance of the entire accuracy of the text, to the letters of the Hon. RUFUS CHOATE, and of the Hon. ROBERT C. WINTHROP, which are printed herewith.

6. The superiority of the paper on which it is printed, and of its typographical execution, over all other editions, will be seen and appreciated at once by every one.



# LETTERS

## ADDRESSED TO THE PUBLISHERS.

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*Letter from the Hon. Robert C. Winthrop, of Massachusetts.*

"BOSTON, 25 November, 1845.

"GENTLEMEN :

"I take pleasure in putting on paper, agreeably to your request, the favorable opinions I have already expressed, in relation to your new edition of the Laws of the United States.

"The mere fact, that your edition has been freshly and carefully compared with the originals in the Department of State, would seem a sufficient commendation of it to all who appreciate the importance of an accurate text to the just understanding of the statutes. This comparison, I learn, has not been instituted in the preparation of previous editions of the laws, (except that of Bioren and Duane,) and has resulted, in the present instance, in the discovery and correction of numerous errors.

"But your edition promises to be as comprehensive and complete as it is accurate. It embraces *all the laws* which have been enacted since the foundation of our government, Private as well as Public, District as well as National, the obsolete and repealed as well as those now in force. It includes, also, all our Treaties with foreign governments and with the Indian tribes. And you have furnished it, still further, with copious references to the Decisions of the Federal Courts, and with an ample and elaborate Index. There would thus seem nothing left to be desired for the completeness of our National Code.

"I say nothing of the typographical execution of the volumes, or of the moderate price at which you propose to supply them. These matters will speak for themselves, and will combine with the other considerations which I have suggested in securing for your work the patronage it deserves. It will afford additional satisfaction to purchasers, to know that you intend to publish an annual supplement, containing the laws which may be passed by Congress from year to year, and conforming in all respects to the body of the work.

"Wishing you all success in your undertaking,

"I am,

"Very respectfully,

"Your obedient servant,

"ROBERT C. WINTHROP.

"Messrs. LITTLE AND BROWN."

*Letter from the Hon. Rufus Choate, of Massachusetts.*

"BOSTON, 1 December, 1845.

"GENTLEMEN :

"I have examined, with some attention, the first three volumes of your new edition of the Laws and Treaties of the United States. Judging from so ample a specimen of the whole work, I can have no doubt that it will be at once, and universally, and permanently, approved by the profession of law, and the country, and answer all the expectations which induced Congress to encourage and adopt it in advance. Completed as it is begun, it will contain the entire series of General and Private Laws and Resolves, obsolete or in force, chronologically arranged; all Treaties with foreign nations or Indian tribes, in the same arrangement; the Articles of Confederation and the Constitution; references, in proper places, to the decisions of all the Federal Courts applicable to any law, resolve, or treaty; and references, also, in proper places, to other laws, resolves, or treaties, upon the same subjects with those in the text. The whole succession of laws is most conveniently distributed into statutes and chapters, with a running title at the head of each page, expressing the session of Congress, and the date and chapter of each law or resolve which is contained on the page, with a full alphabetical verbal general Index of matters, and a separate Index to each volume.

"It adds, I think, greatly to the value of this edition, that you have caused every law, resolve, and treaty, to be carefully collated with the originals in the Department of State. It is thus rendered, in the most absolute sense, a standard and authoritative work; and, published as it is under the sanction of Congress, and in obedience to a general professional and public demand, it cannot fail to supersede all other editions.

"I am

"Your obedient servant,

"RUFUS CHOATE.

"Messrs. LITTLE AND BROWN."

# PREFACE.

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THE edition of the Statutes of the United States now presented to the public comprehends all the Public Acts passed since the organization of the government, preceded by the Declaration of Independence, the Articles of Confederation, and the Constitution of the United States; in one volume, the Private Acts; and in one volume, the Treaties of the United States with Foreign Nations and with the Indian tribes, which compose the whole diplomatic collection.

Copious notes of the Decisions of the courts of the United States, which construe, comment upon, or apply to the law, treaty, or text, and upon the subjects of the laws, which have come under the consideration of the courts, are placed under the acts.

On the margin, or at the foot of the page containing each law, there is a reference to the acts passed before or after the law on the same matter. The repeal of every law, and its having become obsolete, are also noted. In Notes, the whole legislation on many of the subjects of the laws is fully referred to.

The laws are divided so as to comprehend the acts of every session of Congress as a separate statute, designated as the First, Second, or Third statute; with a running title at the head of each page expressing the session of Congress and the date of each chapter or resolve, contained in the page; and each law forms a separate chapter.

It will be seen that the acts are inserted in chronological order, but the numbers of the chapters are not consecutive. It was the purpose of the editor to adopt a different arrangement of the chapters, but the Attorney-General of the United States has decided that the "Joint Resolution" imposes the manner of chaptering which has been pursued. The numbers of the chapters of the Private Acts, are those of the omitted chapters in the volumes of the public laws.

Every volume contains a separate alphabetical index of the matters in the volume, in which particular reference is given to the subject of every act; and at the end of the last volume of the Public Laws there is an Index of all the matters in the volumes of the Public Laws. The volume of Private Laws contains an index to their contents; and to the volume containing the Treaties a full and particular index is given, in such a form as that an easy reference is obtained to every provision in every treaty.

## PREFACE.

A complete list of all the acts, resolves, and treaties, in every volume, is given, chronologically arranged, with a brief and general description of the subject of every act.

Tables of the laws chronologically arranged, relating to the Judiciary, Imposts and Tonnage, the Public Lands, &c., are prefixed to the last volume of the Public Laws. By these tables the whole legislation on the subjects of those laws may be readily referred to. The facilities thus afforded for such reference will give to this work the advantages of separate selections of the laws upon these matters.

This work is stereotyped. Every effort has been made to make this edition a correct transcript of the laws as they are recorded at Washington. By a contract with the government of the United States, the plates from which the work is printed belong to the government, to the extent set forth in the Joint Resolution of March 3, 1845; thus securing to the United States the use of the plates, to the end of time; so that all future editions of the statutes and treaties may be printed in the same manner. The work will thus become, for all purposes, the **PERMANENT NATIONAL EDITION OF THE LAWS OF THE UNITED STATES**; and all future statutes and treaties may be printed in the same form, and become consecutive volumes of the **NATIONAL CODE**.

The plan of this work has been submitted to distinguished judicial and professional gentlemen in the United States; their advice sought, and followed in maturing and perfecting the designs of the publication, and their opinions solicited on the usefulness and value of the work, and on the necessity for its completion. The letters, in reply to communications from the editor, give assurances of its favourable reception by the public.

It is earnestly hoped that this work will be found acceptable to all whose official situations and professional duties oblige them to administer and consult the laws of the United States. The Government of the United States having sanctioned by its liberal patronage this publication, it is confidently believed, that a full and complete knowledge of the statutes and treaties of the United States, and of the decisions of the courts of the United States, construing the laws, and the subjects to which they relate—the administration of public justice—and public and private convenience, will be extensively promoted, and permanently secured by this work.

# EXTRACTS

FROM

## LETTERS ADDRESSED TO THE EDITOR.

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*Letter from Mr. Justice Story, of the Supreme Court of the United States.*

“WASHINGTON, January 29, 1844.

“DEAR SIR: I wrote you a considerable time ago my views as to the plan upon which an edition of the Laws of the United States, to be worthy of the nation, should be executed. I have since read your printed programme; and I perceive that you have adopted in it all the suggestions which I ventured to make. If an edition such as you propose should be published, it would, in my judgment, supersede all others, and be of great permanent benefit, not only to the profession, but to Congress and to the whole country. Indeed, I cannot but consider it as of such vital importance as to be, in a just sense, of urgent necessity. The editions now in use and circulation are, either from defect of plan or execution, or the constant accumulation of new laws, inadequate to the public wants.

“I earnestly hope that Congress may by its patronage enable the enterprising booksellers, with the aid of your known abilities, to accomplish this most desirable undertaking, and thus present our statutes at large in a form which shall be worthy of our national character.”

*Extracts from letters from Mr. Chief Justice Taney, dated January 21 and 24, 1844.*

“The publication of the Laws of the United States upon the plan proposed is certainly very desirable, and will be of great public value. Can you afford to undertake it without the patronage of the General Government? Upon that subject you can judge better than I can. The publication you propose seems to me to be peculiarly entitled to the support of Congress. At all events, however, I hope you will find encouragement enough to induce you to go on with your plan.”

“As you will have seen from my former letter, I had hardly any thing to offer, more than to express my conviction of the value and importance of the work, and my confidence in any plan proposed by Judge Story, whose long experience in matters of that kind has given him the best opportunities of forming a correct judgment.”

*Letter from the Hon. Judge McKinley, Supreme Court.*

“WASHINGTON, January 17, 1844.

“DEAR SIR: The edition of the Statute Laws of the United States which you propose to publish will, in my opinion, be very useful to the profession and to the country generally; and the plan you have adopted will enable the reader to ascertain, with very little labour, what the statute law is, although there may be several statutes on the same subject passed at different and distant periods of time. Such a work is greatly needed at present, and I hope, sir, your success will be such as the enterprise deserves.”

*Letter from Chancellor Kent.*

NEW YORK, November 30, 1843.

“MY DEAR SIR: I am very much pleased with your plan of a new edition of the *Statutes of the United States at large*. It is excellent and most comprehensive, and will require time and labour; and if your health, leisure, and perseverance will enable you to complete it, you will confer a signal benefit on the nation, and a lasting honour to its legislative character. Such a work is exceedingly wanted, and deserves the most liberal public patronage. The aid of Judge Story, which you say is generously assured, will facilitate your labours, and add to the editorial and national character of the work the highest sanction.”

## LETTERS TO THE EDITOR.

*Letter from the Hon. John Nelson, Attorney General of the United States.*

“WASHINGTON, November 22, 1843.

“MY DEAR SIR: My absence will plead my apology for this delay in expressing to you my cordial approbation of your plan for the publication of the Laws of the United States. I have no suggestions to add to those furnished by Mr. Justice Story.

“Of the *importance* of the proposed work, all who have occasion to consult the public laws must be aware; of its *necessity*, those who are charged with the performance of public duties are daily made conscious; and I regard it as matter of just congratulation, that it is to be undertaken by one upon whose professional intelligence and enlarged experience the public may so confidently rely.”

*Letter from the Hon. Martin Van Buren.*

“LINDENWALD, December 16, 1843.

“DEAR SIR: I have, at your request, examined the plan of your proposed edition of the Laws of the United States, and think it a very excellent one.

“Sincerely wishing you success in your undertaking, I am,” &c.

*Letter from the Hon. A. Ware, District Judge of Maine.*

“PORTLAND, December 12, 1843.

“DEAR SIR: I am glad to learn from you that you propose to publish a new edition of the Statutes of the United States at large. It has now become difficult to obtain a complete copy of all the laws passed from the commencement of the Government; and although Story's edition of the laws, now in common use, is the most convenient for ordinary purposes, yet it is sometimes necessary to recur to obsolete laws, not included in that edition. It is very important that the whole series of laws, from the commencement of the government, shall be preserved in a permanent form. You propose to give a complete edition, with references to the jurisprudence of the courts, which will add much to its value. It is an enterprise well worthy of the patronage of the public, and especially of the government.”

*Letter from the Hon. Judge McLean, Supreme Court United States.*

“WASHINGTON, January 20, 1844.

“DEAR SIR: I have read your proposals to publish ‘the Statutes of the United States at large’ with much interest. The arrangement, I think, is excellent, and the annexation of notes at the foot of each page, showing the construction of the statutes by the federal courts, will add much to the value of the work. This enterprise will be attended with great expense; but the great ability of the work, and an increasing demand for it, will, I trust, in a short time reimburse your expenditures. The work, as you well remark, will be national, and I hope it will receive, as it well deserves, the patronage of the legal profession and of the constituted authorities of the country.”

*Letter from the Hon. William Crawford, District Judge of the United States for the District of Alabama.*

“MOBILE, January 4, 1844.

“DEAR SIR: I have examined your plan for the publication of ‘the Statutes of the United States at large,’ and am satisfied that the plan is judicious, and that the work is much needed. The chronological order in which the laws will be arranged, and your foot and marginal notes, will enable any person desirous to know what the law is at the present day readily to obtain that information.

“The work, in my opinion, merits the patronage of the public; and, as it will be a highly useful work, I cannot doubt that it will be liberally afforded.”

*Letter from the Hon. Judge Sprague, District Judge of Massachusetts.*

“BOSTON, December 4, 1843.

“MY DEAR SIR: I have examined your plan for an edition of the Statutes of the United States at large, and it meets my cordial approbation.

“Such a work is very much needed, and must be of great utility to all who may have occasion to investigate the laws of the United States.”

*Letter from the Hon. Henry Clay.*

“ASHLAND, December 4, 1843.

“MY DEAR SIR: I have received your favour, transmitting to me a programme of a complete edition of the laws of the United States, which you propose to collect and publish, and to stereotype. I believe the wants of the community, of the courts, and of the bar, require such a work; and the plan of executing it which you propose can have no higher recommendation than that which Judge Story has given it. I would add my individual wish that your index may be as full and perfect as that which is contained in the judge's edition of the Statutes.”

*Letter from the Hon. John Kennedy, of the Supreme Court of Pennsylvania.*

“PHILADELPHIA, December 14, 1843.

“DEAR SIR: Having looked over your prospectus of a publication of the Statutes of the United States at large, I feel myself bound to say that the plan, as it strikes me, is admirably well adapted to meet every reasonable wish that either individuals or the public could have on the subject. I cannot but express my full and entire approbation of it; and permit me also to add, that I have the most full and entire confidence that the execution of the work in your hands will be at least equal to all that is promised. It is certainly a work of considerable magnitude, and will be attended with a vast expense as well as labour on your part; and as the advantage to be derived from it will be immensely important and valuable, I therefore hope that you will not only be indemnified, but liberally rewarded by the patronage of a generous public.”

*Letter from the Hon. Thomas Sergeant, of the Supreme Court of Pennsylvania.*

“PHILADELPHIA, December 7, 1843.

“DEAR SIR: The plan of publishing the Statutes of the United States, contained in the proposals enclosed in your letter, I should think the best that can be suggested for such a work, considering it in reference either to present use or permanent preservation; and I do not doubt but that your well known professional talents and long experience in judicial publications will ensure to it that accuracy in editing and excellence in printing which a work of this character requires.”

*Letter from the Hon. Molton C. Rogers, of the Supreme Court of Pennsylvania.*

“DEAR SIR: I am pleased to learn that you propose to publish an edition of the Laws of the United States, on a plan which cannot fail to be useful. I have read your prospectus with attention, and if carried out as you design, and of that I can entertain no doubt, it will meet the patronage of the profession and of Congress, who will lend their efficient aid and countenance to a work which will most materially contribute to a knowledge of the laws of the Union, so indispensable to the citizens of the United States.”

*Letter from the Hon. Samuel R. Betts, District Judge of the Eastern District of New York.*

“NEW YORK, December 5, 1843.

“SIR: I received your favour of the 30th ultimo, enclosing a prospectus of an edition of the Laws of the United States. I sincerely hope the project may be carried into execution, and that so important a work may secure you an adequate remuneration.

“I think a reprint of the statutes in full decidedly to be preferred to any other mode of publication. Abridgments, or mere indexes, are convenient for hasty consultation, but the entire act must be examined before its spirit or parts can be justly appreciated.

“The arrangement of the acts, with a view to present in connection those relating to the same subjects, has advantages; yet, in investigating a point, the apprehension that something has been omitted will necessarily lead to searches through the entire series of legislation, notwithstanding such juxtaposition of particular statutes, by a compiler or editor of the highest learning and reputation.

“I am persuaded it is the safest and more satisfactory course to publish the laws in the order of their passage. That is not unfrequently an essential element to their proper interpretation. Until they are codified or remodelled by the legislature, I believe they can be furnished in no form so useful as in the order of their enactment.”

## LETTERS TO THE EDITOR.

*Letter from the Hon. Matthew Harvey, District Judge of the United States for New Hampshire.*

"HOPKINTON, December 16, 1843.

"DEAR SIR:—I have examined a prospectus of an edition of the Laws of the United States, which you propose to publish, and I think it must meet the entire approbation of every one who feels the least interest in a work of this kind. The labour which would be saved by it to all executive and judicial officers, as well as to gentlemen of the legal profession, and members of Congress, is beyond calculation.

"There are few persons, I imagine, whose duty has required them to make frequent references to the Laws of the United States, who have not been embarrassed and confused, if not sometimes perplexed, from causes which would be entirely removed by this work.

"No one, who will compare for a moment the vast superiority of this over any arrangement or edition of the laws we have ever had, can doubt its necessity, its value, and great public importance.

"In my estimation, the work has a claim upon all patronage, both public and private. It should become a national work."

*Letter from the Hon. Samson Mason, of Ohio.*

"SPRINGFIELD, December 12, 1843.

"MY DEAR SIR: I have examined the plan on which you propose to publish the Statutes of the United States at large; and if executed, as I doubt not it will be, in conformity with the principles you have laid down, the work could not fail to be eminently useful, and greatly superior, in my judgment, to any of the kind heretofore attempted. It would well deserve, as I hope it would receive, the patronage of both government and people. The want of such a work is, I am sure, extensively felt."

*Letter from David B. Ogden, Esq., New York.*

"NEW YORK, December 1, 1843.

"MY DEAR SIR: I have received your letter of the 27th of November, enclosing your prospectus for the publication of an edition of the Statutes of the United States. I have no hesitation in saying, that in my opinion the publication of the statutes upon the plan proposed by you will be one of great use to gentlemen of the bar, upon investigations into the laws of the United States, which must be much facilitated by it."

*Letter from the Hon. A. Conkling, District Judge of the United States for the Western District of New York.*

"MELROSE, NEAR AUBURN, December 6, 1843.

"SIR: Your letter, enclosing your prospectus of an edition of the Laws of the United States, was received two days ago. The plan of the proposed work, as stated in the prospectus, appears to me excellent; and I have no doubt that the work, if well executed and correctly printed, will be highly useful."

*Letter from the Hon. John M. Clayton, of Delaware.*

"NEWCASTLE, December 5, 1843.

"DEAR SIR: I have read with great pleasure your proposal to publish an edition of the Statutes at large of the United States. This is, indeed, a *desideratum*. Every public man now feels the want of such a work. The plan is excellent, and the undertaking richly merits national patronage."

*Letter from the Hon. J. L. Pettigru, of South Carolina.*

"MILLEDGEVILLE, December 9, 1843.

"DEAR SIR: Your favour of 27th of November has been forwarded to me at this place.

"It gives me pleasure to see that you propose to publish a new edition of the Statutes of the United States. Such a work is called for by the accumulation of new enactments since the last edition was put out, under the auspices of Judge Story; and the improvements which you propose upon the plan of former editions will give to a new edition great additional value.

"Your plan appears to me most judiciously arranged; and such a work as you propose, executed with the advantages of your experience, will speedily supersede any existing compilation of the acts of Congress. It is to be hoped that a work of such obvious utility will not languish for the want of public patronage."



*Letter from Henry D. Gilpin, Esq., of Pennsylvania, late Attorney General.*

"PHILADELPHIA, December 6, 1843.

"DEAR SIR: I have read your plan for publishing the Statutes of the United States at large. I am extremely glad that you have undertaken this most useful and necessary work. No person who has had frequent occasion to examine and compare the various enactments of Congress will hesitate to say that such a publication has become indispensable. The plan you have selected seems to me to be such as will give the work very great value, both for authority and reference."

*Letter from B. F. Butler, Esq., late Attorney General.*

"NEW YORK, January 5, 1844.

"DEAR SIR: I thank you for your prospectus of your proposed edition of the Statutes of the United States at large. Such a work is much needed by all judicial and other officers connected with the Federal Government, by many of the functionaries under the State Governments, and by the legal profession generally. Your plan appears to me to contain all the requisites of such a publication, and, if executed in the manner and published in the form proposed, will deserve, and I trust receive, the patronage of the government as well as of the public."

*Letter from Judges Pettit and Jones, Judges of the District Court of Philadelphia County.*

"PHILADELPHIA, December 8, 1843.

"DEAR SIR: We have read the prospectus of your permanent and complete edition of the Laws of the United States. The plan seems to be well conceived and judiciously marked out, and, if successfully executed, cannot fail to produce a most valuable edition of our national statutes at large, arranged chronologically.

"The foot notes and marginal references, with a view to accurate historical search concerning the legislation of Congress, constitute an important feature of the design, and will require industry, and tact, and experience, which we know you to possess."

*Letter from William M. Meredith, Esq., of Philadelphia.*

"PHILADELPHIA, December 18, 1843.

"MY DEAR SIR: I have read the prospectus of the Statutes of the United States at large, which you were good enough to send me, and am glad to find you have undertaken a work, which, edited with your acknowledged ability, must be highly useful. The best existing editions of the acts of Congress are on plans the defects of which are very obvious, and will be fully supplied in your publication."

*Letter from William B. Reed, Esq., of Philadelphia.*

"PHILADELPHIA, December 11, 1843.

"DEAR SIR: I thank you for the prospectus of the Statutes at large. It seems to me that such an undertaking will command not only the professional approbation which you desire, but, what is at least of equal value, that of the student of the political and social history of the country. The legislation of Congress, whether it be obsolete or temporary in its character, or even expressly abrogated, is an important part of the history of the country."

*Letter from Daniel Lord, Jr., Esq., New York.*

"NEW YORK, November 30, 1843.

"DEAR SIR: I have your prospectus of an edition of the Laws. I know of no work more called for. Judge Story's edition of the Laws is now the only one accessible to the profession, and may perhaps suffice for the text of public acts. But, in the matter of the private acts, no access can be had except to the originally published acts, which are not to be found except as rarities. The courts, too, in their reference to the citation of the United States laws, sometimes refer to the act by its date and title, and sometimes to the session pamphlet, sometimes to volumes accidentally bound up, and sometimes to Judge Story's. The citations by counsel are equally various, and great difficulty and confusion result.

"The annotations, giving a history of the laws, and a series of the adjudications upon them, seem to me a matter of so great convenience as almost to amount to a necessity.

"Your whole enterprise seems to me to be called for by the greatest need, and to be one really of national benefit. I hope it will receive every public and private patronage."

## LETTERS TO THE EDITOR.

*Letter from Henry M. Watts, Esq., District Attorney of the United States.*

“PHILADELPHIA, December 8, 1843.

“MY DEAR SIR: I have examined carefully the prospectus of the work you propose to publish, and am happy to find there is some one of sufficient capacity to undertake so useful and herculean a task.

“A complete edition of the Articles of Confederation, the Constitution of the United States, and the Statutes of the United States, since the organization of the government, in the style, mode, and with the notes and appendix you contemplate, will undoubtedly be a most valuable acquisition, not only to Congress, the public officers, the judiciary, and the bar, but to the whole community.”

*Letter from Thomas Ewing, Esq., of Ohio.*

“WASHINGTON, January 27, 1844.

“DEAR SIR: I have examined your prospectus for the publication of the Laws of the United States, with notes and references, and approve of your plan entirely.

“Such a publication is much needed by the legal profession, and I am satisfied that you will execute it with care and fidelity.”

*Letter from the Hon. Joseph L. Tillinghast, of Rhode Island.*

“MY DEAR SIR: I had the pleasure, this morning, to receive your letter, with a prospectus of your intended publication of an edition of the Laws of the United States.

“Such a work must prove highly acceptable, not only to the National and State Legislatures, the tribunals of justice, and the profession, but to the great numbers of the community who have occasion at times to look at the laws of the Union, and who are now obliged to expend much time and toil in looking for them.

“There are by no means a sufficient number of copies in the Library of Congress for the accommodation of the members.

“The subject of a new edition was before the Joint Library Committee of Congress at several times and on several suggestions, while I had the honour of being a member of the committee. All concurred in the necessity of the work; but differences of opinion existed as to the plan, and as to the auspices or direction under which it should be accomplished.

“I have looked carefully at the plan detailed in your prospectus; and as to all that relates to the matter to be comprised, and the arrangement and designation of that matter, I do not believe a better could be adopted.”

*Letter from the Hon. Isaac H. Bronson, Judge of the Supreme Court of Florida.*

“NEWNANSVILLE, EAST FLORIDA, December 20, 1843.

“MY DEAR SIR: I have examined your notice or plan of this new work with much satisfaction. Such a work is much needed, and I think cannot fail to meet with the ready approbation of the bench and the bar throughout the country, as well as all public men or officers in any way connected with the execution or administration of the laws of the United States.

“The plan of the work seems to be calculated to render it very perfect.”

*Letter from the Hon. Andrew T. Judson, District Judge of Connecticut.*

“CANTERBURY, CONNECTICUT, March 4, 1844.

“I have received and examined with care your prospectus of a work entitled ‘the Statutes of the United States at large,’ and permit me to say, that a work of that description is very much needed. If executed in the manner you propose, a great favour will be conferred on the public, and I have no doubt it will be universally acknowledged. Its convenience and benefit will be incalculable to the profession.

“I hope you will not only be encouraged to progress with the work, but find from all quarters an ample reward.”

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THE

# DECLARATION OF INDEPENDENCE.

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IN CONGRESS, JULY 4, 1776.

## THE UNANIMOUS DECLARATION OF THE THIRTEEN UNITED STATES OF AMERICA.

WHEN, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

July 4, 1776.

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We hold these truths to be self-evident: that all men are created equal; that they are endowed, by their Creator, with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments long established, should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to alter their former systems of government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world.

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature; a right inestimable to them, and formidable to tyrants only. He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

July 4, 1776.

He has dissolved representative houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the state remaining, in the mean time, exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these States; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers, to harass our people, and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of, and superior to the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation:

For quartering large bodies of armed troops among us;

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States;

For cutting off our trade with all parts of the world;

For imposing taxes on us without our consent;

For depriving us, in many cases, of the benefits of trial by jury;

For transporting us beyond seas to be tried for pretended offences;

For abolishing the free system of English laws in a neighbouring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies;

For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments;

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun with circumstances of cruelty and perfidy, scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms. Our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have warned them, from time to time, of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connexions and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace friends.

July 4, 1776.

We, therefore, the representatives of the UNITED STATES OF AMERICA, in General Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name, and by authority of the good people of these colonies, solemnly publish and declare, That these United Colonies are, and of right ought to be, FREE and INDEPENDENT STATES; that they are absolved from all allegiance to the British crown, and that all political connexion between them and the state of Great Britain is, and ought to be, totally dissolved; and that, as FREE and INDEPENDENT STATES, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which INDEPENDENT STATES may of right do. And for the support of this Declaration, with a firm reliance on the protection of DIVINE PROVIDENCE, we mutually pledge to each other our lives, our fortunes, and our sacred honour.

JOHN HANCOCK.

*New Hampshire.*—Josiah Bartlett, William Whipple, Matthew Thornton.

*Massachusetts Bay.*—Samuel Adams, John Adams, Robert Treat Paine, Elbridge Gerry.

*Rhode Island, &c.*—Stephen Hopkins, William Ellery.

*Connecticut.*—Roger Sherman, Samuel Huntington, William Williams, Oliver Wolcott.

*New York.*—William Floyd, Philip Livingston, Francis Lewis, Lewis Morris.

*New Jersey.*—Richard Stockton, John Witherspoon, Francis Hopkinson, John Hart, Abraham Clark.

*Pennsylvania.*—Robert Morris, Benjamin Rush, Benjamin Franklin, John Morton, George Clymer, James Smith, George Taylor, James Wilson, George Ross.

*Delaware.*—Cæsar Rodney, George Read, Thomas M'Kean.

*Maryland.*—Samuel Chase, William Paca, Thomas Stone, Charles Carroll of Carrollton.

*Virginia.*—George Wythe, Richard Henry Lee, Thomas Jefferson, Benjamin Harrison, Thomas Nelson, Jun., Francis Lightfoot Lee, Carter Braxton.

*North Carolina.*—William Hooper, Joseph Hewes, John Penn.

*South Carolina.*—Edward Rutledge, Thomas Hayward, Jun., Thomas Lynch, Jun., Arthur Middleton.

*Georgia.*—Button Gwinnett, Lyman Hall, George Walton.

# ARTICLES OF CONFEDERATION.

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To all to whom these presents shall come,

We, the undersigned, Delegates of the States affixed to our names, send greeting :

Whereas the Delegates of the United States of America in Congress assembled, did on the fifteenth day of November, in the year of our Lord one thousand seven hundred and seventy-seven, and in the second year of the Independence of America, agree to certain Articles of Confederation and Perpetual Union between the states of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, in the words following, viz.

**ARTICLES OF CONFEDERATION AND PERPETUAL UNION,**  
between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.

July 9, 1778.

**ARTICLE 1.** The style of this confederacy shall be, "THE UNITED STATES OF AMERICA."

**ART. 2.** Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this confederation, expressly delegated to the United States, in Congress assembled.

**ART. 3.** The said States hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

**ART. 4. § 1.** The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of each of these States, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each State shall have free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions, as the inhabitants thereof respectively; provided that such restrictions shall not extend so far as to prevent the removal of property imported into any State, to any other State, of which the owner is an inhabitant; provided also, that no imposition, duties, or restriction, shall be laid by any State on the property of the United States, or either of them.

§ 2. If any person guilty of, or charged with, treason, felony, or other high misdemeanor in any State, shall flee from justice, and be found in any of the United States, he shall, upon demand of the governor or executive power of the State from which he fled, be delivered up, and removed to the State having jurisdiction of his offence.

§ 3. Full faith and credit shall be given, in each of these States, to the records, acts, and judicial proceedings of the courts and magistrates of every other State.

**ART. 5. § 1.** For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislature of each State shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each State to recall its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the year.

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§ 2. No State shall be represented in Congress by less than two, nor by more than seven members; and no person shall be capable of being a delegate for more than three years, in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or another for his benefit, receives any salary, fees, or emolument of any kind.

§ 3. Each State shall maintain its own delegates in a meeting of the States, and while they act as members of the committee of these States.

§ 4. In determining questions in the United States in Congress assembled, each State shall have one vote.

§ 5. Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress; and the members of Congress shall be protected in their persons from arrests and imprisonments during the time of their going to and from, and attendance on, Congress, except for treason, felony or breach of the peace.

ART. 6. § 1. No State, without the consent of the United States, in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty, with any king, prince or State; nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign State; nor shall the United States, in Congress assembled, or any of them, grant any title of nobility.

§ 2. No two or more States shall enter into any treaty, confederation, or alliance whatever, between them, without the consent of the United States, in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

§ 3. No State shall lay any imposts or duties which may interfere with any stipulations in treaties, entered into by the United States, in Congress assembled, with any king, prince, or State, in pursuance of any treaties already proposed by Congress to the courts of France and Spain.

§ 4. No vessels of war shall be kept up in time of peace, by any State, except such number only as shall be deemed necessary by the United States, in Congress assembled, for the defence of such State, or its trade; nor shall any body of forces be kept up, by any State, in time of peace, except such number only as, in the judgment of the United States, in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such State; but every State shall always keep up a well-regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use, in public stores, a due number of field-pieces and tents, and a proper quantity of arms, ammunition, and camp equipage.

§ 5. No State shall engage in any war without the consent of the United States, in Congress assembled, unless such State be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such State, and the danger is so imminent as not to admit of a delay till the United States, in Congress assembled, can be consulted; nor shall any State grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States, in Congress assembled, and then only against the kingdom or State, and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States, in Congress assembled, unless such State be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States, in Congress assembled, shall determine otherwise.



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ART. 7. When land forces are raised by any State, for the common defence, all officers of, or under the rank of colonel, shall be appointed by the legislature of each State respectively by whom such forces shall be raised, or in such manner as such State shall direct, and all vacancies shall be filled up by the State which first made the appointment.

ART. 8. All charges of war, and all other expenses that shall be incurred for the common defence or general welfare, and allowed by the United States, in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States, in proportion to the value of all land within each State, granted to, or surveyed for, any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States, in Congress assembled, shall, from time to time, direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several States, within the time agreed upon by the United States, in Congress assembled.

ART. 9. § 1. The United States, in Congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth Article, of sending and receiving ambassadors; entering into treaties and alliances, provided that no treaty of commerce shall be made, whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever; of establishing rules for deciding, in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States, shall be divided or appropriated; of granting letters of marque and reprisal in times of peace; appointing courts for the trial of piracies and felonies committed on the high seas; and establishing courts for receiving and determining finally appeals in all cases of captures; provided that no member of Congress shall be appointed a judge of any of the said courts.

§ 2. The United States, in Congress assembled, shall also be the last resort on appeal, in all disputes and differences now subsisting, or that hereafter may arise between two or more States concerning boundary, jurisdiction, or any other cause whatever; which authority shall always be exercised in the manner following: Whenever the legislative or executive authority, or lawful agent of any State in controversy with another, shall present a petition to Congress, stating the matter in question, and praying for a hearing, notice thereof shall be given, by order of Congress, to the legislative or executive authority of the other State in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint, by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question; but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven, nor more than nine names, as Congress shall direct, shall, in the presence of Congress, be drawn out by lot; and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges, who shall hear the cause, shall agree in the determination; and if either party shall neglect to attend at the day appointed, without showing reasons which Congress shall judge sufficient, or being present, shall refuse to strike, the Congress shall proceed to nominate three persons out of each State, and the secretary of Congress shall strike in behalf of such party absent

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or refusing; and the judgment and sentence of the court, to be appointed in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence, or judgment, which shall in like manner be final and decisive; the judgment or sentence and other proceedings being in either case transmitted to Congress, and lodged among the acts of Congress, for the security of the parties concerned; provided, that every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the judges of the supreme or superior court of the State where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favour, affection, or hope of reward." Provided, also, that no State shall be deprived of territory for the benefit of the United States.

§ 3. All controversies concerning the private right of soil claimed under different grants of two or more States, whose jurisdictions, as they may respect such lands, and the States which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the Congress of the United States, be finally determined, as near as may be, in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different States.

§ 4. The United States, in Congress assembled, shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective States; fixing the standard of weights and measures throughout the United States; regulating the trade and managing all affairs with the Indians, not members of any of the States; provided that the legislative right of any State, within its own limits, be not infringed or violated; establishing and regulating post offices from one State to another, throughout all the United States, and exacting such postage on the papers passing through the same, as may be requisite to defray the expenses of the said office; appointing all officers of the land forces in the service of the United States, excepting regimental officers; appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States; making rules for the government and regulation of the said land and naval forces, and directing their operations.

§ 5. The United States, in Congress assembled, shall have authority to appoint a committee, to sit in the recess of Congress, to be denominated, "*A Committee of the States*," and to consist of one delegate from each State; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States under their direction; to appoint one of their number to preside; provided that no person be allowed to serve in the office of president more than one year in any term of three years; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses; to borrow money or emit bills on the credit of the United States, transmitting every half year to the respective States an account of the sums of money so borrowed or emitted; to build and equip a navy; to agree upon the number of land forces, and to make requisitions from each State for its quota, in proportion to the number of white inhabitants in such State, which requisition shall be binding; and thereupon the Legislature of each State shall appoint the regimental officers, raise the men, and clothe, arm, and equip them, in a soldier-like manner, at the expense of the United States; and the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within

## THE ARTICLES OF CONFEDERATION.

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the time agreed on by the United States, in Congress assembled; but if the United States, in Congress assembled, shall, on consideration of circumstances, judge proper that any State should not raise men, or should raise a smaller number than its quota, and that any other State should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed, and equipped in the same manner as the quota of such State, unless the Legislature of such State shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise, officer, clothe, arm, and equip, as many of such extra number as they judge can be safely spared, and the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the United States in Congress assembled.

§ 6. The United States, in Congress assembled, shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defence and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander-in-chief of the army or navy, unless nine States assent to the same, nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States in Congress assembled.

§ 7. The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances, or military operations, as in their judgment require secrecy; and the yeas and nays of the delegates of each State, on any question, shall be entered on the journal, when it is desired by any delegate; and the delegates of a State, or any of them, at his or their request, shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the legislatures of the several States.

ART. 10. The committee of the States, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States, in Congress assembled, by the consent of nine States, shall, from time to time, think expedient to vest them with; provided that no power be delegated to the said committee, for the exercise of which, by the articles of confederation, the voice of nine States, in the Congress of the United States assembled, is requisite.

ART. 11. Canada acceding to this confederation, and joining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this Union: but no other colony shall be admitted into the same, unless such admission be agreed to by nine States.

ART. 12. All bills of credit emitted, moneys borrowed, and debts contracted by or under the authority of Congress, before the assembling of the United States, in pursuance of the present confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States and the public faith are hereby solemnly pledged.

ART. 13. Every State shall abide by the determinations of the United States, in Congress assembled, on all questions which by this confederation are submitted to them. And the articles of this confederation shall be inviolably observed by every State, and the Union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a Congress of the

United States, and be afterwards confirmed by the legislatures of every State.

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And whereas it hath pleased the great Governor of the world to incline the hearts of the legislatures we respectively represent in Congress, to approve of, and to authorize us to ratify the said articles of confederation and perpetual union, Know ye, that we, the undersigned delegates, by virtue of the power and authority to us given for that purpose, do, by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said articles of confederation and perpetual union, and all and singular the matters and things therein contained. And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States, in Congress assembled, on all questions which by the said confederation are submitted to them; and that the articles thereof shall be inviolably observed by the States we respectively represent, and that the Union shall be perpetual. In witness whereof, we have hereunto set our hands, in Congress.

*Done at Philadelphia, in the State of Pennsylvania, the 9th day of July, in the year of our Lord 1778, and in the third year of the Independence of America.*

*On the part and behalf of the State of New Hampshire.*—Josiah Bartlett, John Wentworth, Jun. (August 8, 1778.)

*On the part and behalf of the State of Massachusetts Bay.*—John Hancock, Samuel Adams, Elbridge Gerry, Francis Dana, James Lovell, Samuel Holten.

*On the part and behalf of the State of Rhode Island and Providence Plantations.*—William Ellery, Henry Marchant, John Collins.

*On the part and behalf of the State of Connecticut.*—Roger Sherman, Samuel Huntington, Oliver Wolcott, Titus Hosmer, Andrew Adams.

*On the part and behalf of the State of New York.*—James Duane, Francis Lewis, William Duer, Gouv. Morris.

*On the part and in behalf of the State of New Jersey.*—Jno. Witherspoon, Nath. Scudder, (November 26, 1778.)

*On the part and behalf of the State of Pennsylvania.*—Robert Morris, Daniel Roberdeau, Jona. Bayard Smith, William Clingan, Joseph Reed, (July 22, 1778.)

*On the part and behalf of the State of Delaware.*—Thomas M'Kean, (February 12, 1779,) John Dickinson, (May 5, 1779,) Nicholas Van Dyke.

*On the part and behalf of the State of Maryland.*—John Hanson, (March 1, 1781,) Daniel Carroll, (March 1, 1781.)

*On the part and behalf of the State of Virginia.*—Richard Henry Lee, John Banister, Thomas Adams, Jno. Harvie, Francis Lightfoot Lee.

*On the part and behalf of the State of North Carolina.*—John Penn, (July 21, 1778,) Corns. Harnett, Jno. Williams.

*On the part and behalf of the State of South Carolina.*—Henry Laurens, William Henry Drayton, Jno. Mathews, Richard Hutson, Thos. Heyward, Jun.

*On the part and behalf of the State of Georgia.*—Jno. Walton, (July 24, 1778,) Edwd. Telfair, Edward Langworthy.

# THE CONSTITUTION OF THE UNITED STATES.

Purposes for which the Constitution was ordained and established.

Legislative powers vested in Congress.

House of Representatives.

Representatives and direct taxes to be apportioned according to respective numbers.

Census to be taken every ten years.

Representatives in Congress.

WE, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.(a)

ARTICLE 1. § 1. All legislative powers herein granted, shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.(b)

§ 2. The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative, and until such enumeration shall be made, the state of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four,

(a) *Martin*, heir at law of *Fairfax v. Hunter's Lessee*, 1 Wheat. 304; 3 Cond. Rep. 575. *Briscoe et al. v. the Bank of the Commonwealth of Kentucky*, 11 Peters, 257. *McCulloch v. The State of Maryland*, 4 Wheat. 316; 4 Cond. Rep. 466. *Gibbons v. Ogden*, 9 Wheat. 1. *Barron v. The Mayor and City Council of Baltimore*, 7 Peters, 243. *Marberry v. Madison*, 1 Cranch, 237; 1 Cond. Rep. 267. *United States v. Smith*, 5 Wheat. 153; 4 Cond. Rep. 619. *Owing v. Norwood*, 5 Cranch, 344; 2 Cond. Rep. 275.

(b) The object of the Constitution was to establish three great departments of government: the Legislative, the Executive, and the Judicial departments. The first was to pass laws; the second to approve and execute them; the third to expound and enforce them. *Martin*, heir at law of *Fairfax v. Hunter's Lessee*, 1 Wheat. 304; 3 Cond. Rep. 575.

The Constitution unavoidably deals in general language. It did not suit the purpose of the people in framing this great charter of our liberties to provide for minute specifications of its powers, or to declare the means by which those powers were to be carried into execution. It was foreseen that that would be a perilous and difficult, if not an impracticable task. The instrument was not intended merely to provide for the exigencies of a few years, but was to endure through a long lapse of ages; the events of which were locked up in the inscrutable purposes of Providence. It could not be foreseen what new changes and modifications of power might be made indispensable to effectuate the general objects of the charter; and restrictions and specifications which at present might seem salutary, might in the end prove the overthrow of the system itself. Hence its powers are expressed in general terms; leaving to the legislature, from time to time, to adopt its own means to effectuate legitimate objects, and to mould and remodel the exercise of its own powers as its own wisdom, and the public interests should require. *Martin, &c. v. Hunter*, 1 Wheat. 304; 3 Cond. Rep. 575.

Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three. (α)

When vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.

§ 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.

Immediately after they shall be assembled, in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be president of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their other officers, and also a president *pro tempore*, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honour, trust or profit, under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to law.

§ 4. The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

§ 5. Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent

Vacancies in the representation, how filled.

Speaker and officers of H. R. Impeachment. Senate, how composed. Senators, how chosen.

Each Senator to have one vote. One third of the Senators to be chosen every second year.—Vacancies during recess of the Legislature of a State. How filled.

Qualifications of Senators.

Vice President of U. S. president of Senate.

The Senate to choose their officers. President pro tempore.

The Senate to have the sole power to try impeachments. When the President of U. S. is tried, the Chief Justice shall preside.

Judgment in case of impeachment. Party convicted subject to indictment at law.

Times and places for holding elections. Congress may at anytime make or alter regulations made by the States, except as to the places of choosing Senators.

Congress to assemble once a year.

Each House

(α) South Carolina adopted the Constitution by a convention called in November, 1789. Rhode Island, by a convention held in May, 1790, assented to the Constitution. Kentucky was admitted into the Union, June 1, 1792. Vermont was admitted into the Union, March 4, 1791. Tennessee was admitted into the Union, June 1, 1796. Ohio was established as a state of the Union, by act of April 30, 1802. Louisiana was admitted into the Union, April 30, 1812. Indiana was admitted into the Union, December 11, 1816. Mississippi was admitted into the Union, December 10, 1817. Illinois was admitted into the Union, December 3, 1818. Alabama was admitted into the Union, December 14, 1819. Maine was admitted into the Union by an act of Congress, passed March 3, 1820. Missouri was admitted into the Union, March 2, 1821. Arkansas was admitted into the Union, June 15, 1836. Michigan was admitted into the Union, January 26, 1837. North Carolina became a member of the Union, before June 4, 1790. Iowa and Florida were authorized to become states of the Union, by act of March 3, 1845, chap. 48.

to be the judge of the elections, returns, and qualifications of its members. A majority to form a quorum.

Rules of proceeding.

Each House to keep a journal. Yeas and nays.

Adjournments of the Houses of Congress.

Compensation of the Senators and Representatives. Privileged from arrest, with exceptions. Not to be questioned in any other place for any speech or debate in either House.

Appointment to office of Senators or Representatives. No person holding any office under the U. S. to be a member of either House during his continuance in office.

Bills for raising revenue.

Bills, after having passed Congress, to be presented to the President. Proceedings when the President disapproves.

Every order, resolution, or vote, of both Houses (except on a question of adjournment) to be presented to the President of the U. S.

Powers of Congress.

members, in such manner, and under such penalties, as each House may provide.

Each House may determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two thirds, expel a member.

Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House on any question, shall, at the desire of one fifth of those present, be entered on the journal.

Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

§ 6. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to, and returning from, the same; and for any speech or debate in either House, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either House during his continuance in office.

§ 7. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days, (Sundays excepted,) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment,) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be re-passed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

§ 8. The Congress shall have power (a)

(a) Congress must possess the choice of means, and must be empowered to use any means, which are in fact conducive to the exercise of a power granted by the Constitution. *United States v. Fisher, et al.; Assignees of Blight*, 2 Cranch's Rep. 358; 1 Cond. Rep. 421.

To lay and collect taxes, duties, imposts and excises, (a) to pay the debts, and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States: (b)

To borrow money on the credit of the United States:

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes: (c)

To establish an uniform rule of naturalization, (d) and uniform laws on the subject of bankruptcies throughout the United States: (e)

To lay taxes, and provide for the common defence and welfare. Duties to be uniform.

To borrow money.

To regulate commerce. Naturalization. Bankruptcies.

The powers granted to Congress are not exclusive of similar powers existing in the States, unless where the Constitution has expressly, in terms, given an exclusive power to Congress; or the exercise of a like power is prohibited to the States; or there is a direct repugnancy, or incompatibility in the exercise of it by the States. The example of the first class is to be found in the exclusive legislation delegated to Congress over places purchased by the consent of the legislature of the State in which the same shall be located for forts, arsenals, dock-yards, &c.; of the second class, of the prohibition of a State to coin money, or emit bills of credit; of the third class, the power to establish a uniform rule of naturalization, and the delegation of admiralty and maritime jurisdiction. In all other cases the States retain concurrent authority with Congress. *Houston v. Moore*, 5 Wheat. 1; 4 Cond. Rep. 589.

An act of Congress repugnant to the Constitution cannot become the law of the land. *Marbury v. Madison*, 1 Cranch, 137; 1 Cond. Rep. 267.

The mere grant of power to Congress does not imply a prohibition on the States to exercise the same power. Whenever the terms in which such a power is granted to Congress require that it should be exercised exclusively by Congress, the subject is as completely taken from the State legislatures, as if they had been expressly forbidden to act upon it. *Sturges v. Crowninshield*, 4 Wheat. 122; 4 Cond. Rep. 409.

(a) The power of Congress to levy and collect taxes, duties, imposts, and excises, is co-extensive with the territory of the United States. *Loughborough v. Blake*, 5 Wheat. 317; 4 Cond. Rep. 660.

The power of Congress to exercise exclusive legislation, in all cases whatever, within the District of Columbia, includes the power of taxing it. *Ibid.*

The authority of Congress to lay and collect taxes, does not interfere with the power of the States to tax for the support of their own governments; nor is the exercise of that power by the States, an exercise of any portion of the power that is granted to the United States. *Gibbons v. Ogden*, 9 Wheat. 1; 5 Cond. Rep. 562.

(b) The constitutional provision that direct taxes shall be apportioned among the several States, according to their respective numbers, to be ascertained by a census, was not intended to restrict the power of imposing direct taxes to States only. *Loughborough v. Blake*, 5 Wheat. 317; 4 Cond. Rep. 660.

(c) An act of Congress, laying an embargo for an indefinite period of time, is constitutional and valid. *The United States v. The William*, 2 Hall's Am. Law Jour. 255.

The power of regulating commerce extends to the regulation of navigation. *Gibbons v. Ogden*, 9 Wheat. 1; 5 Cond. Rep. 562.

The power to regulate commerce extends to every species of commercial intercourse between the United States and foreign nations, and among the several States. It does not stop at the external boundary of a State; but it does not extend to a commerce which is completely internal. *Ibid.*

The power to regulate commerce is general, and has no limitations but such as are prescribed by the Constitution itself. This power, so far as it extends, is exclusively vested in Congress, and no part of it can be exercised by a State. *Ibid.*

The power of regulating commerce extends to navigation carried on by vessels employed in transporting passengers. *Ibid.*

All those powers which relate to merely municipal legislation, or which may be properly called internal police, are not surrendered (by the States) or restrained, and consequently in relation to those the authority of a State is complete, unqualified, and exclusive. *The City of N. York v. Miln*, 11 Peters, 102.

The act of the legislature of New York passed February 1824, entitled, "An Act concerning passengers in vessels arriving in the port of New York," is not a regulation of commerce, but of police; and being so, it was passed in the exercise of a power which belonged to that State. *Ibid.*

The power to regulate commerce, includes the power to regulate navigation, as connected with the commerce with foreign nations and among the States. It does not stop at the mere boundary line of a State, nor is it confined to acts done on the waters, or in the necessary course of the navigation thereof. It extends to such acts done on the land, which interfere with, obstruct, or prevent the due exercise of the powers to regulate commerce and navigation with foreign nations, and among the States. Any offence which thus interferes with, obstructs, or prevents such commerce and navigation, though done on land, may be punished by Congress, under its general authority to make all laws necessary and proper to execute their delegated constitutional powers. *The United States v. Lawrence Combe*, 12 Peters, 72.

Persons are not the subjects of commerce, and not being imported goods, they do not fall within the meaning founded upon the Constitution, of a power given to Congress, to regulate commerce, and the prohibition of the States for imposing a duty on imported goods. *Ibid.*; *Gibbons v. Ogden*, 9 Wheat. 1; 5 Cond. Rep. 562.

(d) Under the Constitution of the United States, the power of naturalization is exclusively in Congress. *Chirac v. Chirac*, 3 Wheat. 259; 4 Cond. Rep. 111; *Houston v. Moore*, 5 Wheat. 1; 4 Cond. Rep. 589.

(e) The powers of Congress to establish uniform laws on the subject of bankruptcy throughout the



## THE CONSTITUTION OF THE UNITED STATES.

To coin money. To fix the standard of weights and measures.

To punish counterfeiters. Post-offices.

To promote the progress of science and useful arts.

Inferior tribunals.

Piracies on the high seas.

To declare war.

To raise armies.

Navy, &c.

Government of the army and navy.

Militia.

For the organization, &c. of the militia.

Exclusive Legislation over seat of government of the U. S.

Exclusive authority over places purchased with the consent of States.

To make laws for carrying into execution all powers vested in government of U. S.

Migration or importation of persons.

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures:

To provide for the punishment of counterfeiting the securities and current coin of the United States:

To establish post-offices and post-roads:

To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries:

To constitute tribunals inferior to the Supreme Court:

To define and punish piracies and felonies committed on the high seas, and offences against the law of nations: (a)

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water:

To raise and support armies: but no appropriation of money to that use shall be for a longer term than two years:

To provide and maintain a navy:

To make rules for the government and regulation of the land and naval forces:

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions:

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress. (b)

To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings. And,

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof. (c)

§ 9. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

United States, does not exclude the right of the States to legislate on the same subject, except when the power is actually exercised by Congress, and the State laws conflict with those of Congress. *Ogden v. Saunders*, 12 Wheat. 213; 6 Cond. Rep. 523; *Sturges v. Crowninshield*, 4 Wheat. 122; 4 Cond. Rep. 409.

Since the adoption of the Constitution of the United States, a state has authority to pass a Bankrupt law, provided such law does not impair the obligation of contracts; and provided there be no act of Congress in force to establish a uniform system of bankruptcy, conflicting with such law. *Sturges v. Crowninshield*, 4 Wheat. 122; 4 Cond. Rep. 409.

(a) The act of the 3d March, 1819, chap. 76, sec. 5, referring to the law of nations for a definition of the crime of piracy, is a constitutional exercise of the power of Congress to define and punish that crime. *United States v. Smith*, 5 Wheat. 153; 4 Cond. Rep. 619. See also *United States v. Palmer*, 3 Wheat. 610; 4 Cond. Rep. 352.

(b) The act of Congress of Feb. 28, 1795, to provide for the calling out the militia to execute the laws of the Union, suppress insurrections, and repel invasions, is within the constitutional powers of Congress. *Martin v. Mott*, 12 Wheat. 19; 6 Cond. Rep. 410.

(c) Congress must possess the choice of means, and must be empowered to use any means which are in fact conducive to the exercise of a power granted by the Constitution. *United States v. Fisher et al.*, 2 Cranch, 358; 1 Cond. Rep. 421. *Van Horne's Lessee v. Dorrance*, 2 Dall. 304; *Marbury v. Madison*, 1 Cranch, 137; 1 Cond. Rep. 267, 268. *The United States v. Bevans*, 3 Wheat. 336; 4 Cond. Rep. 275. *McCulloch v. Maryland*, 4 Wheat. 316; 4 Cond. Rep. 466. *United States v. Tingey*, 5 Peters, 115. *Anderson v. Dunn*, 6 Wheat. 204. *Dugan v. The United States*, 3 Wheat. 172; 4 Cond. Rep. 223. *The Exchange*, 7 Cranch, 116; 2 Cond. Rep. 439. *Oshorn v. The Bank of the United States*, 9 Wheat. 738; 5 Cond. Rep. 741. *Harrison v. Sterry*, 6 Cranch, 289; 2 Cond. Rep. 260. *Postmaster General v. Early*, 12 Wheat. 136; 6 Cond. Rep. 480.

The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.(a)

No bill of attainder or *ex post facto* law shall be passed.(b)

No capitation, or other direct tax, shall be laid, unless in proportion to the *census* or enumeration herein before directed to be taken.

No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to, or from, one State be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.

§ 10. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts;(c) pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.(d)

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.(e) No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war, in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ART. II. § 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice President, chosen for the same term, be elected as follows :

Writ of Habeas Corpus.

Bills of attainder, or *ex post facto* laws.

Capitation or other direct tax.

No tax or duty on articles exported from any State.

No preference to ports of one State over another.

No money drawn from the treasury but by law. Receipts and expenditures published.

No title of nobility to be granted.

Limitation of the powers of the States.

Executive power vested in a President of the U. S. Duration of office.

(a) *Ex parte* Burford, 3 Cranch, 448. *Ex parte* Bollman, 4 Cranch, 75; 2 Cond. Rep. 33. *Ex parte* Kearney, 7 Wheat. 38; 5 Cond. Rep. 225. *Ex parte* Tobias Watkins, 3 Peters, 193. *Ex parte* Milburn, 9 Peters, 704. *Martin v. Mott*, 12 Wheat. 19; 6 Cond. Rep. 410.

(b) The prohibition of the Federal Constitution of *ex post facto* laws extends to penal statutes only; and does not extend to cases affecting only the civil rights of individuals. *Calder et al. v. Bull*, 3 Dall. 386; 1 Cond. Rep. 172. *Fletcher v. Peck*, 6 Cranch, 87; 2 Cond. Rep. 308. *Ogden v. Saunders*, 12 Wheat. 213; 6 Cond. Rep. 523.

(c) *Briscoe v. The Bank of the Commonwealth of Kentucky*, 11 Peters, 257. *Craig v. The State of Missouri*, 4 Peters, 431. *Sturges v. Crowninshield*, 4 Wheat. 122; 4 Cond. Rep. 409. *Ogden v. Saunders*, 12 Wheat. 213; 6 Cond. Rep. 523. *Cooper v. Telfair*, 4 Dall. 14; 1 Cond. Rep. 211.

(d) If any act of the legislature is repugnant to the Constitution, it is, *ipso facto*, void; and it is the duty of the court so to declare it. *Vanhorne's Lessee v. Dorrance*, 2 Dall. 304.

The Constitution fixes the limits to the exercise of legislative authority, and prescribes the orbit in which it must move. Whatever may be the case in other countries, yet here there can be no doubt that any act of the Legislature repugnant to the Constitution is absolutely void. *Ibid.* *Fletcher v. Peck*, 6 Cranch, 87; 2 Cond. Rep. 308.

The legislature of a state can pass no *ex post facto* law. An *ex post facto* law is one which renders an act punishable, which was not punishable when it was committed. *Ibid.* *Houston v. Moore*, 5 Wheat. 1; 4 Cond. Rep. 589.

The invalidity of a state law, as impairing the obligation of contracts, does not depend on the extent of the change which the law effects in the contract. *Green v. Biddle*, 8 Wheat. 1; 5 Cond. Rep. 369. *Briscoe v. The Bank of the Commonwealth of Kentucky*, 11 Peters, 257. *New Jersey v. Wilson*, 7 Cranch, 164; 2 Cond. Rep. 457. *Terrett v. Taylor*, 9 Cranch, 43; 3 Cond. Rep. 254. *Trustees of Dartmouth College v. Woodward*, 4 Wheat. 518; 4 Cond. Rep. 526. *The Proprietors of the Charles River Bridge v. The Proprietors of the Warren Bridge*, 11 Peters, 420. *Sturges v. Crowninshield*, 4 Wheat. 122; 4 Cond. Rep. 409. *Hawkins v. Barney's Lessee*, 5 Peters, 456. *Mason v. Haile*, 12 Wheat. 370; 6 Cond. Rep. 535. *Farmers' and Mechanics' Bank v. Smith*, 6 Wheat. 131; 5 Cond. Rep. 35. *Satterlee v. Matthewson*, 2 Peters, 380. *Wilkinson v. Leland*, 2 Peters, 627.

(e) *Brown v. The state of Maryland*, 12 Wheat. 419; 6 Cond. Rep. 554.

Manner of  
electing Pre-  
sident and Vice  
President.

Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President. (a)

Electors of  
President and  
Vice President.

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

Qualifications  
of the Presi-  
dent.

No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

Vacancy in  
the office of  
President. How  
supplied.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed, or a President shall be elected.

Compensation  
for the services  
of the Presi-  
dent.

The President shall at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States or any of them.

Oath of office  
of the Presi-  
dent.

Before he enter on the execution of his office, he shall take the following oath or affirmation:

"I do solemnly swear, (or affirm,) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

§ 2. The President shall be commander-in-chief of the army and

(a) By an amendment to the Constitution, a substitute for this paragraph was adopted. Amendment, Art. 12, § 1. This amendment was proposed in October 1803, and was ratified before September 1804. See the amendment, *post*.

navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; (a) and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments. (b)

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

§ 3. He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient. He may on extraordinary occasions, convene both Houses, or either of them; and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper. He shall receive ambassadors and other public ministers. He shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

§ 4. The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ART. III. § 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may, from time to time, ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behaviour; and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office. (c)

§ 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the

Powers and duties of the President.

May grant reprieves and pardons.

May make treaties, by and with the advice and consent of the Senate.

Appointments to office.

Vacancies during the recess of the Senate.

Give Congress information of the State of the Union.

Convene Congress on extraordinary occasions. When he may adjourn Congress.

Other powers and duties.

Removals from office by impeachment and conviction of crimes.

Judicial powers.

Judges to hold office during good behaviour.

Compensation not to be diminished during continuance in office.

Extent of judicial power.

(a) The decisions of the Supreme Court of the United States on the powers and duties of the President of the United States have been the following: *Marbury v. Madison*, 1 Cranch, 137; 1 Cond. Rep. 267; 1 Peters, 296; 12 Peters, 524. *Williams v. The Suffolk Ins. Co.*, 13 Peters, 415.

(b) *Am. Ins. Comp. v. Canter*, 1 Peters, 511, 517; with Mr. Justice Johnson's opinion. *Ex parte Duncan*, 13 Peters, 230.

(c) The decisions of the Supreme Court of the United States on the 1st and 2d sections of the 3d article of the Constitution have been: *The State of Rhode Island v. The State of Massachusetts*, 12 Peters, 657-72. *McBride v. Hoey*, 11 Peters, 167. *Marbury v. Madison*, 1 Cranch, 137; 1 Cond. Rep. 267. *Ex parte Crane*, 5 Peters, 190. *Ex parte Milburn*, 9 Peters, 704. *Town of Pawlet v. Clark et al.*, 9 Cranch, 292; 3 Cond. Rep. 408. *Ex parte Kearney*, 7 Wheat. 38; 5 Cond. Rep. 225. *McCluny v. Silliman*, 2 Wheat. 369; 4 Cond. Rep. 162. *The United States v. Bevans*, 3 Wheat. 336; 4 Cond. Rep. 275. *United States v. Hamilton*, 3 Dall. 17. *Ex parte Bollman*, 4 Cranch, 75; 2 Cond. Rep. 33. *Ex parte Tobias Watkins*, 3 Peters, 193. *Cherokee Nation v. The State of Georgia*, 5 Peters, 1. *Cohens v. The State of Virginia*, 6 Wheat. 264. *Osborn v. The Bank of the United States*, 9 Wheat. 738; 5 Cond. Rep. 741. *The United States v. Ortega*, 11 Wheat. 467; 6 Cond. Rep. 394. *Fowler v. Lindsey et al.*, 3 Dall. 411. *The United States v. Goodwin*, 7 Cranch, 108; 2 Cond. Rep. 434.

The third article of the Constitution of the United States enables the judicial department to receive jurisdiction to the full extent of the Constitution, laws and treaties of the United States, when any question respecting them shall assume such form that the judicial power is capable of acting on it. That power is capable of acting, only when the subject is submitted to it by a party who asserts his rights in a form prescribed by law. It then becomes a case.

*Osborn et al. v. The Bank of the United States*, 9 Wheat. 738; 5 Cond. Rep. 741.

United States shall be a party; to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens or subjects.

Original jurisdiction of the Supreme Court.  
Appellate jurisdiction of the Supreme Court.

In all cases affecting ambassadors, other public ministers and consuls, (a) and those in which a State shall be party, the Supreme Court shall have original jurisdiction. (b) In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make. (c)

Trial by jury.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

Treason.  
Conviction for treason.

§ 3. Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Punishment of treason.  
Attainder.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attained.

The public acts, &c., of the States to have full faith and credit.

ART. IV. § 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof. (d)

Citizens of the States entitled to equal privileges.

§ 2. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

Fugitives from justice.

A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

Fugitives from labour.

No person held to service or labour in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour, but shall

(a) An indictment under the crimes act of 1790, chap. 9, sec. 23, for infracting the law of nations by offering violence to the person of a foreign minister, is a case "affecting ambassadors and other public ministers, or consuls," within the second section of the third article of the Constitution of the United States. *The United States v. Ortega*, 11 Wheat. 467; 6 Cond. Rep. 394.

(b) On the original jurisdiction of the Supreme Court, the following cases have been decided: *Ex parte Kearney*, 7 Wheat. 38; 5 Cond. Rep. 225. *McCluny v. Sullivan*, 2 Wheat. 369; 4 Cond. Rep. 162. *The Columbian Insurance Company v. Wheelwright*, 7 Wheat. 534; 5 Cond. Rep. 334. *United States v. Hamilton*, 3 Dall. 17. *Ex parte Tobias Watkins*, 3 Peters, 193. *Ex parte Crane et al.*, 5 Peters 190. *United States v. Ravara*, 2 Dall. 297. *Cherokee Nation v. The State of Georgia*, 5 Peters, 1. *The State of New Jersey v. The State of New York*, 5 Peters, 234. *Ex parte Juan Madrazzo*, 7 Peters, 627. *The State of Rhode Island v. The State of Massachusetts*, 12 Peters, 657-755. *Cohens v. The State of Virginia*, 6 Wheat. 264; 5 Cond. Rep. 90. *Osborn v. The Bank of the United States*, 9 Wheat. 738; 5 Cond. Rep. 741. *Fowler et al. v. Lindsey et al.*, 3 Dall. 411.

(c) Upon the appellate powers of the Supreme Court, the following cases have been decided: *United States v. Goodwin*, 7 Cranch, 108; 2 Cond. Rep. 434. *Wiscart v. Dauchy*, 3 Dall. 321; 1 Cond. Rep. 144. *United States v. Moore*, 3 Cranch, 159; 1 Cond. Rep. 480. *Osborn v. The Bank of the United States*, 9 Wheat. 738; 5 Cond. Rep. 741. *Owings v. Norwood's Lessee*, 5 Cranch, 344; 2 Cond. Rep. 275. *Martin v. Hunter's Lessee*, 1 Wheat. 304; 3 Cond. Rep. 575. *Gordon v. Caldcleugh*, 3 Cranch, 268; 1 Cond. Rep. 524. *Ex parte Kearney*, 7 Wheat. 38; 5 Cond. Rep. 225. *Inglee v. Coolidge*, 2 Wheat. 363; 4 Cond. Rep. 155. *Gelston et al. v. Hoyt*, 3 Wheat. 246; 4 Cond. Rep. 244. *Nicholls et al. v. Hodges' Ex'r*, 1 Peters, 662. *Buel v. Van Ness*, 8 Wheat. 312; 5 Cond. Rep. 445. *Miller v. Nicholls*, 4 Wheat. 311; 4 Cond. Rep. 465. *Matthews v. Zane et al.*, 7 Wheat. 164; 5 Cond. Rep. 265. *Houston v. Moore*, 3 Wheat. 433; 4 Cond. Rep. 286. *Williams v. Norris*, 12 Wheat. 117; 6 Cond. Rep. 462. *Montgomery v. Hernandez*, 12 Wheat. 129; 6 Cond. Rep. 475. *Gibbons v. Ogden*, 6 Wheat. 448; 5 Cond. Rep. 134. *Weston et al. v. The City Council of Charleston*, 2 Peters, 449.

(d) *Mills v. Duryee*, 7 Cranch, 481; 2 Cond. Rep. 578. *Hampton v. McConnel*, 3 Wheat. 234; 4 Cond. Rep. 243. See act of May 26, 1790, chap. 11. Act of March 27, 1804, chap. 56.

be delivered up on claim of the party to whom such service or labour may be due.<sup>(a)</sup>

§ 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned, as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

§ 4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive, (when the legislature cannot be convened,) against domestic violence.

ART. V. The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several States, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided, that no amendment, which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ART. VI. All debts contracted, and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States, under this Constitution, as under the confederation.

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land: and the judges, in every State, shall be bound thereby, any thing in the Constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound, by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ART. VII. The ratification of the conventions of nine States, shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

*Done in Convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand*

(a) *Prigg v. The Commonwealth of Pennsylvania*, 16 Peters, 539. The clause in the Constitution relating to fugitives from labour, manifestly contemplates the existence of a positive, unqualified right on the part of the owner of the slave, which no State law or regulation can in any way qualify, regulate, control, or restrain. Any law or regulation which interrupts, limits, delays, or postpones the rights of the owner to the immediate command of his service or labour, operates pro tanto, a discharge of the slave therefrom. The question can never be how much he is discharged from; but whether he is discharged from any service by the natural and necessary operation of the State laws, or State regulations. The question is not one of quantity and degree, but of withholding or controlling the incidents of a positive right.

The owner of a fugitive slave has the same right to take him in a State to which he has escaped or fled, that he had in the State from which he escaped; and it is well known that this right to seizure or re-capture is universally acknowledged in all the slave-holding States. *Ibid.*

New States.  
Formation of  
new States out  
of other States.

Congress to  
have power to  
dispose of and  
make regula-  
tions respecting  
the territories  
or other prop-  
erty of the U. S.

Guarantee by  
the U. S. of a  
republican form  
of government  
to every State;  
and each State  
to be protected  
from invasion,  
and against do-  
mestic violence.

Amendments  
to Constitution.

No State,  
without its con-  
sent, shall be  
deprived of an  
equal suffrage  
in the Senate.

Debts &c.,  
contracted be-  
fore the adop-  
tion of the Con-  
stitution to be  
valid against  
the U. S.

The Constitu-  
tion and laws  
of the U. S. or  
treaties, the  
supreme law of  
the land.

Oath or affir-  
mation to sup-  
port the Consti-  
tution.

No religious  
test a qualifica-  
tion for office.

Ratification of  
the Constitution.

## THE CONSTITUTION OF THE UNITED STATES.

*seven hundred and eighty-seven, and of the independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names.*

GEORGE WASHINGTON, PRESIDENT, and Deputy from Virginia.

*New Hampshire.*—John Langdon, Nicholas Gilman.

*Massachusetts.*—Nathaniel Gorham, Rufus King.

*Connecticut.*—William Samuel Johnson, Roger Sherman.

*New York.*—Alexander Hamilton.

*New Jersey.*—William Livingston, David Brearley, William Paterson, Jonathan Dayton.

*Pennsylvania.*—Benjamin Franklin, Thomas Mifflin, Robert Morris, George Clymer, Thomas Fitzsimons, Jared Ingersoll, James Wilson, Gouverneur Morris.

*Delaware.*—George Read, Gunning Bedford, Jun., John Dickinson, Richard Bassett, Jacob Broom.

*Maryland.*—James M'Henry, Daniel of St. Thomas Jenifer, Daniel Carroll.

*Virginia.*—John Blair, James Madison, Jun.

*North Carolina.*—William Blount, Richard Dobbs Spaight, Hugh Williamson.

*South Carolina.*—John Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler.

*Georgia.*—William Few, Abraham Baldwin.

*Attest:*

WILLIAM JACKSON, *Secretary.*

# AMENDMENTS TO THE CONSTITUTION.(a)

ART. I. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Religion.  
Freedom of  
Speech. Right  
of petition.

ART. II. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

Right to bear  
and keep arms.

ART. III. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

Quartering of  
soldiers.

ART. IV. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.(b)

Unreasonable  
searches and  
seizures prohi-  
bited.

ART. V. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb;(c) nor shall be compelled, in any criminal case, to be witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

No warrant to  
issue but on  
oath or affirma-  
tion.

Trials for cap-  
ital offences, or  
infamous  
crimes.

No one to be  
twice put in  
jeopardy of life  
or limb, for the  
same offence.

Private prop-  
erty not to be  
taken for public  
use without just  
compensation.

ART. VI. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour; and to have the assistance of counsel for his defence.

Trial by jury  
in criminal  
cases.

Trial by jury  
in civil cases.

ART. VII. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law.(d)

Excessive bail  
not to be re-  
quired, nor ex-  
cessive punish-  
ments inflicted.

ART. VIII. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Enumeration  
of rights not to  
be construed to  
deny or dispar-  
age those re-  
tained by the  
people. Re-  
served powers.

ART. IX. The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

ART. X. The powers not delegated to the United States by the Con-

(a) The first ten of these amendments were proposed by Congress, (with others which were not ratified by three fourths of the legislatures of the several states,) by resolution of 1789, post, pp. 97, 98, and were ratified before 1791. The eleventh amendment was proposed by Congress by resolution of the year 1794, post, p. 402, and was ratified before 1796. The twelfth article was proposed by Congress by resolution of October, 1803, vol. 2, p. 306, and was ratified before September, 1804.

(b) *Ex parte* Burford, 3 Cranch, 448; 1 Cond. Rep. 594.

(c) *United States v. Haskell and Francis*, 4 Wash. C. C. R. 402. *United States v. Gilbert*, 2 Sumner's C. C. R. 19.

(d) The amendments to the Constitution of the United States, by which the trial by jury was secured, may, in a just sense, be well construed to embrace all suits which are not of equity or admiralty jurisdiction, whatever may be the form they may assume to settle legal rights. *Parsons v. Bedford* et al. 3 Peters, 433.



## AMENDMENTS TO THE CONSTITUTION.

Limitation of  
the judicial  
power.

Election of  
President and  
Vice President  
of the U. S.

stitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

ART. XI. The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.<sup>(a)</sup>

ART. XII. § 1.(b) The electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President; and they shall make distinct lists of all persons voted for as President and of all persons voted for as Vice President, and of the number of votes for each, which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately by ballot the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President.

§ 2. The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice President: a quorum for the purpose shall consist of two thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

§ 3. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

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(a) The amendment to the Constitution by which the judicial power was declared not to extend to any suit commenced or prosecuted by a citizen or citizens of another State, or by foreign subjects against a State, prevented the exercise of jurisdiction in any case past or future. *Hollingsworth v. The State of Virginia*, 3 Dall. 378; 1 Cond. Rep. 169.

(b) This amendment was proposed in October, 1803, and was ratified before September, 1804.

# THE LAWS OF THE UNITED STATES.

## ACTS OF THE FIRST CONGRESS

OF THE

## UNITED STATES,

*Passed at the first session, which was begun and held at the City of New York on Wednesday, March 4, 1789, and continued to September 29, 1789.*

GEORGE WASHINGTON, President, JOHN ADAMS, Vice President of the United States, and President of the Senate, FREDERICK AUGUSTUS MUHLENBERG, Speaker of the House of Representatives.

### STATUTE I.

CHAPTER I.—*An Act to regulate the Time and Manner of administering certain Oaths.*

June 1, 1789.

SEC. 1. *Be it enacted by the Senate and [House of] Representatives of the United States of America in Congress assembled,* That the oath or affirmation required by the sixth article of the Constitution of the United States, shall be administered in the form following, to wit: "I, A. B. do solemnly swear or affirm (as the case may be) that I will support the Constitution of the United States." The said oath or affirmation shall be administered within three days after the passing of this act, by any one member of the Senate, to the President of the Senate, and by him to all the members and to the secretary; and by the Speaker of the House of Representatives, to all the members who have not taken a similar oath, by virtue of a particular resolution of the said House, and to the clerk: and in case of the absence of any member from the service of either House, at the time prescribed for taking the said oath or affirmation, the same shall be administered to such member, when he shall appear to take his seat.

Constitution of the U. S. article 6, page 19.  
Form of the oath or affirmation to support the Constitution of the United States, to be administered to the members of the Senate and to the members of the House of Representatives.

SEC. 2. *And be it further enacted,* That at the first session of Congress after every general election of Representatives, the oath or affirmation aforesaid, shall be administered by any one member of the House of Representatives to the Speaker; and by him to all the members present, and to the clerk, previous to entering on any other business; and to the members who shall afterwards appear, previous to taking their seats. The President of the Senate for the time being, shall also administer the said oath or affirmation to each Senator who shall hereafter be elected, previous to his taking his seat: and in any future case of a President of the Senate, who shall not have taken the said oath or affirmation, the same shall be administered to him by any one of the members of the Senate.

Manner of administering the oath or affirmation to Speaker of the House of Representatives.

To each Senator.

SEC. 3. *And be it further enacted,* That the members of the several State legislatures, at the next sessions of the said legislatures, respectively, and all executive and judicial officers of the several States, who have been heretofore chosen or appointed, or who shall be chosen or

To the members of the several State Legislatures, and to all executive and judicial officers of the States.

By whom the oaths or affirmations shall be administered in the several States.

appointed before the first day of August next, and who shall then be in office, shall, within one month thereafter, take the same oath or affirmation, except where they shall have taken it before; which may be administered by any person authorized by the law of the State, in which such office shall be holden, to administer oaths. And the members of the several State legislatures, and all executive and judicial officers of the several States, who shall be chosen or appointed after the said first day of August, shall, before they proceed to execute the duties of their respective offices, take the foregoing oath or affirmation, which shall be administered by the person or persons, who by the law of the State shall be authorized to administer the oath of office; and the person or persons so administering the oath hereby required to be taken, shall cause a record or certificate thereof to be made, in the same manner, as, by the law of the State, he or they shall be directed to record or certify the oath of office.

To all officers of the U. States appointed, or to be appointed, before they act.

SEC. 4. *And be it further enacted*, That all officers appointed, or hereafter to be appointed under the authority of the United States, shall, before they act in their respective offices, take the same oath or affirmation, which shall be administered by the person or persons who shall be authorized by law to administer to such officers their respective oaths of office; and such officers shall incur the same penalties in case of failure, as shall be imposed by law in case of failure in taking their respective oaths of office.

Oath of secretary of the Senate and clerk of the House of Representatives.

SEC. 5. *And be it further enacted*, That the secretary of the Senate, and the clerk of the House of Representatives for the time being, shall, at the time of taking the oath or affirmation aforesaid, each take an oath or affirmation in the words following, to wit: "I, A. B. secretary of the Senate, or clerk of the House of Representatives (as the case may be) of the United States of America, do solemnly swear or affirm, that I will truly and faithfully discharge the duties of my said office, to the best of my knowledge and abilities."

APPROVED, June 1, 1789.

#### STATUTE I.

July 4, 1789.

CHAP. II.—*An Act for laying a Duty on Goods, Wares, and Merchandises imported into the United States.*(a)

[Repealed.]

SEC. 1. Whereas it is necessary for the support of government, for the discharge of the debts of the United States, and the encouragement and protection of manufactures, that duties be laid on goods, wares and merchandises imported : (b)

Act of August 10, 1790, ch. 38, sec. 1 and 2.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the first day of August next ensuing, the several duties hereinafter mentioned shall be laid on the following goods, wares and merchandises imported into the United States from any foreign port or place, that is to say :

(a) Duty Acts. Act of July 4, 1789, chap. 2; act of August 4, 1790, chap. 35; act of June 5, 1794, chap. 51; act of January 29, 1795, chap. 17; act of March 3, 1797, chap. 10; act of May 13, 1800, chap. 66; act of March 27, 1804, chap. 57; act of June 7, 1794, chap. 54; act of January 29, 1795, chap. 17; act of March 27, 1804, chap. 46; act of July 8, 1797, chap. 15; act of May 7, 1800, chap. 43; act of March 27, 1804, chap. 57; act of July 1, 1812, chap. 112; act of February 25, 1813, chap. 30; act of August 2, 1813, chap. 38; act of April 27, 1816, chap. 107; act of January 14, 1817, chap. 3; act of April 20, 1818, chap. 105; act of April 20, 1818, chap. 93; act of May 21, 1824, chap. 136; act of May 19, 1828, chap. 55; act of May 24, 1828, chap. 102; act of May 28, 1830, chap. 147; act of July 14, 1832, chap. 227; act of March 2, 1833, chap. 62; act of September 11, 1841, chap. 34; act of August 30, 1842, chap. 270.

(b) The powers of Congress to levy and collect taxes, duties, exposts and excises, is co-extensive with the United States. Loughborough v. Blake, 5 Wheat. 317; 4 Cond. Rep. 660.

On all distilled spirits of Jamaica proof, imported from any kingdom or country whatsoever, per gallon, ten cents.

On all other distilled spirits, per gallon, eight cents.

On molasses, per gallon, two and a half cents.

On Madeira wine, per gallon, eighteen cents.

On all other wines, per gallon, ten cents.

On every gallon of beer, ale or porter in casks, five cents.

On all cider, beer, ale or porter in bottles, per dozen, twenty cents.

On malt, per bushel, ten cents.

On brown sugars, per pound, one cent.

On loaf sugars, per pound, three cents.

On all other sugars, per pound, one and a half cents.

On coffee, per pound, two and a half cents.

On cocoa, per pound, one cent.

On all candles of tallow, per pound, two cents.

On all candles of wax or spermaceti, per pound, six cents.

On cheese, per pound, four cents.

On soap, per pound, two cents.

On boots, per pair, fifty cents.

On all shoes, slippers or goloshes made of leather, per pair, seven cents.

On all shoes or slippers made of silk or stuff, per pair, ten cents.

On cables, for every one hundred and twelve pounds, seventy-five cents.

On tarred cordage, for every one hundred and twelve pounds, seventy-five cents.

On untarred ditto, and yarn, for every one hundred and twelve pounds, ninety cents.

On twine or packthread, for every one hundred and twelve pounds, two hundred cents.

On all steel unwrought, for every one hundred and twelve pounds, fifty-six cents.

On all nails and spikes, per pound, one cent.

On salt, per bushel, six cents.

On manufactured tobacco, per pound, six cents.

On snuff, per pound, ten cents.

On indigo, per pound, sixteen cents.

On wool and cotton cards, per dozen, fifty cents.

On coal, per bushel, two cents.

On pickled fish, per barrel, seventy-five cents.

On dried fish, per quintal, fifty cents.

On all teas imported from China or India, in ships built in the United States, and belonging to a citizen or citizens thereof, or in ships or vessels built in foreign countries, and on the sixteenth day of May last wholly the property of a citizen or citizens of the United States, and so continuing until the time of importation, as follows:

On bohea tea, per pound, six cents.

On all souchong, or other black teas, per pound, ten cents.

On all hyson teas, per pound, twenty cents.

On all other green teas, per pound, twelve cents.

On all teas imported from Europe in ships or vessels built in the United States, and belonging wholly to a citizen or citizens thereof, or in ships or vessels built in foreign countries, and on the sixteenth day of May last wholly the property of a citizen or citizens of the United States, and so continuing until the time of importation, as follows:

On bohea tea, per pound, eight cents.

On all souchong, and other black teas, per pound, thirteen cents.

On all hyson teas, per pound, twenty-six cents.

On all other green teas, per pound, sixteen cents.

Specific duties on certain enumerated articles.

On teas imported from India or China.

On teas imported from Europe.

On all teas imported, in any other manner than as above mentioned, as follows:—

On bohea tea, per pound, fifteen cents.

On all souchong, or other black teas, per pound, twenty-two cents.

On all hyson teas, per pound, forty-five cents.

On all other green teas, per pound, twenty-seven cents.

On all other goods imported from India or China, 12½ per centum ad valorem.

On all goods, wares and merchandises, other than teas, imported from China or India, in ships not built in the United States, and not wholly the property of a citizen or citizens thereof, nor in vessels built in foreign countries, and on the sixteenth day of May last wholly the property of a citizen or citizens of the United States, and so continuing until the time of importation, twelve and a half per centum ad valorem.

On other enumerated articles, 10 per centum ad valorem.

On all looking-glasses, window and other glass (except black quart bottles),

On all China, stone and earthen ware,

On gunpowder,

On all paints ground in oil,

On shoe and knee buckles,

On gold and silver lace, and

On gold and silver leaf,

On all blank books,

On all writing, printing or wrapping paper, paper-hangings and pasteboard,

On all cabinet wares,

On all buttons,

On all saddles,

On all gloves of leather,

On all hats of beaver, fur, wool, or mixture of either,

On all millinery ready made,

On all castings of iron, and upon slit and rolled iron,

On all leather tanned or tawed, and all manufacture of leather, except such as shall be otherwise rated.

On canes, walking sticks and whips,

On clothing ready made,

On all brushes,

On gold, silver, and plated ware, and on jewelry and paste work,

On anchors, and on all wrought, tin, and pewter ware,

On playing cards, per pack, ten cents.

On every coach, chariot or other four wheel carriage, } fifteen per  
and on every chaise, solo, or other two wheel car- } centum ad  
riage, or parts thereof, } valorem.

Ten per centum ad valorem.

Seven and a half per centum ad valorem.

On all other goods, except certain articles, 5 per cent. on the value at the time and place of importation.

Duty on hemp and cotton imported after the 1st Dec. 1790.

Drawback allowed for the duties on goods exported within 12 months.

On all other goods, wares and merchandise, five per centum on the value thereof at the time and place of importation, except as follows: saltpetre, tin in pigs, tin plates, lead, old pewter, brass, iron and brass wire, copper in plates, (a) wool, cotton, dyeing woods and dyeing drugs, raw hides, beaver, and all other furs, and deer skins.

SEC. 2. *And be it further enacted by the authority aforesaid*, That from and after the first day of December, which shall be in the year one thousand seven hundred and ninety, there shall be laid a duty on every one hundred and twelve pounds, weight of hemp imported as aforesaid, of sixty cents; and on cotton per pound, three cents.

SEC. 3. *And be it [further] enacted by the authority aforesaid*, That all the duties paid, or secured to be paid upon any of the goods, wares and merchandises as aforesaid, except on distilled spirits, other than brandy and geneva, shall be returned or discharged upon such of the said goods,

(a) Round copper in bars, and copper plates turned up at the edges, are not subject to duty under this act, or under the act of August 10, 1790, and the act of May 2, 1792; by which "copper in plates, and copper in pigs and bars," is exempted from duty. *United States v. Kidd & Watson*, 4 Cranch, 1; 2 Cond. Rep. 1.

wares, or merchandises, as shall within twelve months after payment made, or security given, be exported to any country without the limits of the United States, as settled by the late treaty of peace; except one per centum on the amount of the said duties, in consideration of the expense which shall have accrued by the entry and safe-keeping thereof.

Except one per cent.

SEC. 4. *And be it [further] enacted by the authority aforesaid,* That there shall be allowed and paid on every quintal of dried, and on every barrel of pickled fish, of the fisheries of the United States, and on every barrel of salted provision of the United States, exported to any country without the limits thereof, in lieu of a drawback of the duties imposed on the importation of the salt employed and expended therein, viz :

Allowance in lieu of a drawback on dried and pickled fish and salted provisions exported.

On every quintal of dried fish, five cents.

On every barrel of pickled fish, five cents.

On every barrel of salted provision, five cents.

SEC. 5. *And be it further enacted by the authority aforesaid,* That a discount of ten per cent. on all the duties imposed by this act, shall be allowed on such goods, wares and merchandises, as shall be imported in vessels built in the United States, and which shall be wholly the property of a citizen or citizens thereof, or in vessels built in foreign countries, and on the sixteenth day of May last, wholly the property of a citizen or citizens of the United States, and so continuing until the time of importation.

Discount on duties for goods imported in vessels of citizens.

SEC. 6. *And be it further enacted by the authority aforesaid,* That this act shall continue and be in force until the first day of June, which shall be in the year of our Lord one thousand seven hundred and ninety-six, and from thence until the end of the next succeeding session of Congress which shall be held thereafter, and no longer.

Continuance of the act.

APPROVED, July 4, 1789.

### CHAP. III.—*An Act imposing Duties on Tonnage.*(a)

STATUTE I.

July 20, 1789.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following duties shall be, and are hereby imposed on all ships or vessels entered in the United States, that is to say :

Repealed by act of July 20, 1790, chap. 30.

On all ships or vessels built within the said States, and belonging wholly to a citizen or citizens thereof; or not built within the said States, but on the twenty-ninth day of May, one thousand seven hundred and eighty-nine, belonging, and during the time such ships or vessels shall continue to belong wholly to a citizen or citizens thereof, at the rate of six cents per ton. On all ships or vessels hereafter built in the United States, belonging wholly, or in part, to subjects of foreign powers, at the rate of thirty cents per ton. On all other ships or vessels, at the rate of fifty cents per ton.

Six cents per ton on vessels built in U. S., or belonging to citizens. On vessels hereafter built in the U. S., belonging to foreigners, 30 cts. per ton. On all others, 50 cts. per ton.

SEC. 2. *Provided always, and be it enacted,* That no ship or vessel built within the aforesaid States, and belonging to a citizen or citizens thereof, shall, whilst employed in the coasting trade, or in the fisheries, pay tonnage more than once in any year.

Vessels built in the U. S., in the coasting trade, to pay tonnage but once a year.

SEC. 3. *And be it further enacted,* That every ship or vessel employed in the transportation of any of the produce or manufactures of the United States, coastwise within the said States, except such ship or

50 cts. a ton on foreign vessels engaged in the coasting trade.

(a) General acts relating to tonnage duties: Act of July 20, 1789, chap. 3; act of September 16, 1789, chap. 15; act of July 20, 1790, chap. 30; act of May 1, 1802; act of March 3, 1815, chap. 76; April 27, 1816, chap. 107; April 27, 1816, chap. 110; January 14, 1817, chap. 3; act of March 1, 1817, chap. 31; act of March 3, 1817, chap. 50; act of March 3, 1819, chap. 74; act of January 7, 1824, chap. 4.

Act to commence August 15, 1789.

vessel be built within the said States, and belong to a citizen or citizens thereof, shall, on each entry, pay fifty cents per ton.

SEC. 4. *And be it further enacted*, That this act shall commence and be in force from and after the fifteenth day of August next.

APPROVED, July 20, 1789.

# STATUTE I.

July 27, 1789.

CHAP. IV.—*An Act for establishing an Executive Department, to be denominated the Department of Foreign Affairs.*(a)

Altered by act of September 15, 1789, ch. 14, sec. 1.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there shall be an Executive department, to be denominated the Department of

(a) Before the adoption of the Constitution of the United States the following resolution was adopted: *Resolved*, That the Department of Foreign Affairs be under the direction of such officer as the United States, in Congress assembled, have already for that purpose appointed, or shall hereafter appoint, who shall be styled, "Secretary to the United States of America for the Department of Foreign Affairs;" shall reside where Congress or a committee of the States shall sit, and hold his office during the pleasure of Congress.

That the books, records, and other papers of the United States, that relate to this department, be committed to his custody, to which, and all other papers of his office, any member of Congress shall have access: Provided, That no copy shall be taken of matters of a secret nature, without the special leave of Congress.

That the correspondence and communications with the ministers, consuls and agents of the United States, in foreign countries, and with the ministers and other officers of foreign powers with Congress, be carried on through the office of foreign affairs by the said Secretary, who is also empowered to correspond with all other persons from whom he may expect to receive useful information relative to his department: Provided always, That letters to the ministers of the United States, or ministers of foreign powers, which have a direct reference to treaties or conventions proposed to be entered into, or instructions relative thereto, or other great national subjects, shall be submitted to the inspection, and receive the approbation of Congress before they shall be transmitted.

That the Secretary for the Department of Foreign Affairs correspond with the Governors or Presidents of all or any of the United States, affording them such information from his department as may be useful to their States or to the United States, stating complaints that may have been urged against the government of any of the said States, or the subjects thereof, by the subjects of foreign powers, so that justice may be done agreeably to the laws of such State, or the charge proved to be groundless, and the honour of the government vindicated.

He shall receive the applications of all foreigners relative to his department, which are designed to be submitted to Congress, and advise the mode in which the memorials and evidence shall be stated in order to afford Congress the most comprehensive view of the subject; and if he conceives it necessary, accompany such memorial with his report thereon; he may concert measures with the ministers or officers of foreign powers, amicably to procure the redress of private injuries, which any citizen of the United States may have received from a foreign power or the subjects thereof, making minutes of all his transactions relative thereto, and entering the letters at large which have passed on such occasions.

He shall report on all cases expressly referred to him for that purpose by Congress, and on all others touching his department, in which he may conceive it necessary.

And that he may acquire that intimate knowledge of the sentiments of Congress, which is necessary for his direction, he may at all times attend upon Congress, and shall particularly attend when summoned or ordered by the President.

He may give information to Congress respecting his department, explain and answer objections to his reports, when under consideration, if required by a member, and no objection be made by Congress; he shall answer to such inquiries respecting his department as may be put from the chair by order of Congress, and to questions stated in writing about matters of fact which lie within his knowledge, when put by the President at the request of a member, and not disapproved of by Congress; the answers to such questions may, at the option of the Secretary, be delivered by him in writing.

He shall have free access to the papers and records of the United States, in the custody of their Secretary, or in the offices of finance and war, or elsewhere; he may be furnished with copies, or take extracts therefrom, when he shall find it necessary.

He shall use means to obtain from the ministers and agents of the said United States in foreign countries, an abstract of their present state, their commerce, finances, naval and military strength, and the characters of sovereigns and ministers, and every other political information which may be useful to the United States.

All letters to sovereign powers, letters of credence, plans of treaties, conventions, manifestoes, instructions, passports, safe-conducts, and other acts of Congress relative to the department of foreign affairs, when the substance thereof shall have been previously agreed to in Congress, shall be reduced to form in the office of foreign affairs, and submitted to the opinion of Congress, and when passed, signed and attested, sent to the office of foreign affairs to be countersigned and forwarded.

If an original paper is of such a nature as cannot be safely transmitted without cyphers, a copy in cyphers, signed by the Secretary for the department of foreign affairs, shall be considered as authentic, and the ministers of the United States at foreign courts may govern themselves thereby, in the like manner as if the originals had been transmitted.

And for the better execution of the duties hereby assigned him, he is authorized to appoint a secretary, and one, or, if necessary, more clerks, to assist him in the business of his office.

Foreign Affairs, and that there shall be a principal officer therein, to be called the Secretary for the Department of Foreign Affairs, who shall perform and execute such duties as shall from time to time be enjoined on or intrusted to him by the President of the United States, agreeable to the Constitution, relative to correspondences, commissions or instructions to or with public ministers or consuls, from the United States, or to negotiations with public ministers from foreign states or princes, or to memorials or other applications from foreign public ministers or other foreigners, or to such other matters respecting foreign affairs, as the President of the United States shall assign to the said department; and furthermore, that the said principal officer shall conduct the business of the said department in such manner as the President of the United States shall from time to time order or instruct.

Secretary of Foreign Affairs, his duties.

SEC. 2. *And be it further enacted*, That there shall be in the said department, an inferior officer, to be appointed by the said principal officer, and to be employed therein as he shall deem proper, and to be called the chief Clerk in the Department of Foreign Affairs, and who, whenever the said principal officer shall be removed from office by the President of the United States, or in any other case of vacancy, shall during such vacancy have the charge and custody of all records, books and papers appertaining to the said department.

Principal clerk, his duty.

SEC. 3. *And be it further enacted*, That the said principal officer, and every other person to be appointed or employed in the said department, shall, before he enters on the execution of his office or employment, take an oath or affirmation, well and faithfully to execute the trust committed to him.

Oath of office.

SEC. 4. *And be it further enacted*, That the Secretary for the Department of Foreign Affairs, to be appointed in consequence of this act, shall forthwith after his appointment, be entitled to have the custody and charge of all records, books and papers in the office of Secretary for the Department of Foreign Affairs, heretofore established by the United States in Congress assembled.

Secretary to take charge of papers, &c. of foreign department.

APPROVED, July 27, 1789.

#### STATUTE I.

CHAP. V.—*An Act to regulate the Collection of the Duties imposed by law on the tonnage of ships or vessels, and on goods, wares and merchandises imported into the United States.*

July 31, 1789.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That for the due collection of the duties imposed by law on the tonnage of ships and vessels, and on goods, wares and merchandises imported into the United States, there shall be established and appointed, districts, ports, and officers, in manner following, to wit:

Repealed by act of August 4, 1790, ch. 35, sec. 73.

The State of New Hampshire shall be one district, to include the town of Portsmouth as the sole port of entry; and the towns of New-castle, Dover and Exeter, as ports of delivery only; but all ships or vessels bound to or from either of the said ports of delivery, shall first come to, enter and clear at Portsmouth; and a naval officer, collector

District and ports in New Hampshire.

*Resolved*, That the salaries annexed to this department be as follows:

To the Secretary of the United States for the Department of Foreign Affairs, the sum of four thousand dollars per annum, exclusive of office expenses, to commence from the first day of October last.

To the secretary, one thousand dollars per annum.

To the clerks, each, five hundred dollars per annum.

*Resolved*, That the Secretary for the Department of Foreign Affairs, and each of the persons employed under him, shall take an oath before a judge of the State where Congress shall sit, for the faithful discharge of their respective trusts, and an oath of fidelity to the United States, before they enter upon office.

By an act passed September 15, 1789, chap. 14, the Executive department denominated the Department of Foreign Affairs, was declared to be, thereafter, denominated the Department of State.



Districts and  
ports in Massa-  
chusetts.

and surveyor for the said district shall be appointed, to reside at Ports-mouth.

In the State of Massachusetts shall be twenty districts and ports of entry, to wit: Newburyport, Gloucester, Salem and Beverly, as one port; Marblehead, Boston and Charlestown, as one port; Plymouth, Barnstable, Nantucket, Edgartown, New Bedford, Dighton, York, Biddeford and Pepperelborough, as one port; Portland and Falmouth, as one port; Bath, Wiscasset, Penobscot, Frenchman's Bay, Machias and Passamaquoddy. To the district of Newburyport shall be annexed the several towns or landing places of Almsbury, Salisbury, and Haverhill, which shall be ports of delivery only; and a collector, naval officer and surveyor for the district, shall be appointed, to reside at Newburyport. To the district of Gloucester shall be annexed the town of Manchester, as a port of delivery only; and a collector and surveyor shall be appointed, to reside at Gloucester. To the district of Salem and Beverly shall be annexed the towns or landing places of Danvers and Ipswich, as ports of delivery only; and a collector, naval officer and surveyor for the district shall be appointed, to reside at Salem; and a surveyor to reside at each of the towns of Beverly and Ipswich. To the district of Marblehead shall be annexed the town of Lynn, as a port of delivery only; and a collector for the district shall be appointed, to reside at Marblehead. To the district of Boston and Charlestown shall be annexed the towns or landing places of Medford, Cohasset, and Hingham, as ports of delivery only; and a collector, naval officer and surveyor shall be appointed, to reside at Boston. To the district of Plymouth shall be annexed the several towns or landing places of Scituate, Duxbury and Kingston, as ports of delivery only; and a collector for the district shall be appointed, to reside at Plymouth. To the district of Barnstable shall be annexed the several towns or landing places of Sandwich, Harwich, Welfleet, Provincetown and Chatham, as ports of delivery only; and a collector for the district shall be appointed, to reside at Barnstable. In the district of Nantucket, the port of Sherbourne shall be the sole port of entry and delivery within the same; and a collector shall be appointed, to reside at Sherbourne. To the district of Edgartown shall be annexed the town of Falmouth, as a port of delivery only; and a collector shall be appointed, to reside at Edgartown. To the district of New Bedford shall be annexed Westport, Rochester and Wareham, as ports of delivery only; and a collector for the district shall be appointed, to reside at New Bedford. To the district of Dighton shall be annexed Swansey and Freetown, as ports of delivery only; and a collector for the district shall be appointed, to reside at Dighton. To the district of York shall be annexed Kittery and Berwick, as ports of delivery only; and a collector for the district shall be appointed, to reside at York. To the district of Biddeford and Pepperelborough shall be annexed Scarborough, Wells, Kennebunk, and Cape Porpoise, as ports of delivery only; and a collector for the district shall be appointed, to reside at Biddeford. To the district of Portland and Falmouth shall be annexed North Yarmouth and Brunswick, as ports of delivery only; and a collector and surveyor shall be appointed for the district, to reside at Portland. To the district of Bath shall be annexed Hallowell, Pittstown, and Topsham, as ports of delivery only; and a collector for the district shall be appointed, to reside at Bath. To the district of Wiscasset shall be annexed Bristol, Boothbay and Waldoborough, as ports of delivery only; and a collector for the district shall be appointed, to reside at Wiscasset. To the district of Penobscot shall be annexed Thomaston, Frankfort, Sedgwick Point and Deer Island, as ports of delivery only; and a collector for the district shall be appointed, to reside at Penobscot. To the district of Frenchman's Bay shall be annexed Union river, as a port of delivery only, and a collector for

the district shall be appointed, to reside at Frenchman's Bay. For each of the districts of Machias and Passamaquoddy shall be appointed a collector, to reside at the said ports of Machias and Passamaquoddy respectively. The district of Newburyport shall include all the waters and shores from the State of New Hampshire, to the north line of Ipswich. The district of Gloucester shall include all the waters and shores in the towns of Gloucester and Manchester. The district of Salem and Beverly shall include all the shores and waters within the towns of Ipswich, Beverly, Salem and Danvers. The district of Marblehead shall include all the waters and shores within the towns of Marblehead and Lynn. The district of Boston and Charlestown shall include all the waters and shores within the counties of Middlesex and Suffolk. The district of Plymouth shall include all the waters and shores within the county of Plymouth, excepting the towns of Wareham and Rochester. The district of Barnstable shall include all the shores and waters within the county of Barnstable, excepting the town of Falmouth. The district of Nantucket shall include the island of Nantucket. The district of Edgartown shall include all the waters and shores within the county of Duke's county and the town of Falmouth. The district of New Bedford shall include all the waters and shores within the towns of New Bedford, Dartmouth, Westport, Rochester and Wareham, together with all the islands within the county of Bristol. The district of Dighton shall include all the waters and shores on Taunton river, and in the town of Rehobeth; and the collectors of the several districts within that part of the State of Massachusetts, eastward of New Hampshire, shall agree as soon as may be upon a divisional line between their respective districts, and transmit the same to the Comptroller of the Treasury; and such districts so agreed upon, shall include all the shores, waters and islands within the same.

Districts and  
ports in Massa-  
chusetts.

In the State of Connecticut shall be three districts, to wit : New London, New Haven, and Fairfield. The district of New London shall extend from the east line of the said State of Connecticut to the west line of the town of Killingsworth, and north to the south line of the State of Massachusetts, and shall also include the several towns or landing places of Norwich, Stonington, Groton, Lyme, Saybrook, Haddam, East Haddam, Middletown, Chatham, Weathersfield, Glastenbury, Hartford, East Hartford and Killingsworth, as ports of delivery only; New London to be the sole port of entry; and a collector and surveyor for the district shall be appointed, to reside at New London, and a surveyor to reside at each of the ports of Stonington and Middletown. The district of New Haven shall extend from the west line of the district of New London, westerly to Ousatumnick river; to which shall be annexed the several towns or landing places of Guilford, Brandford, Milford, and Derby, as ports of delivery only; New Haven to be the sole port of entry; and a collector and surveyor for the district shall be appointed, to reside at New Haven. The district of Fairfield shall include all the ports and places in the said State of Connecticut, west of the district of New Haven, to which shall be annexed the several towns or landing places of Norwalk, Stratford, Stamford, and Greenwich, as ports of delivery only; Fairfield to be the sole port of entry; and a collector for the district shall be appointed, to reside at Fairfield; and New London, New Haven and Fairfield, shall severally be ports of entry.

Districts and  
ports in Con-  
necticut.

In the State of New York shall be two districts, to wit : Sagg Harbour on Nassau or Long Island, and the city of New York, each of which shall be a port of entry. The district of Sagg Harbour shall include all bays, harbours, rivers and shores, within the two points of land, which are called Oyster-Pond Point, and Montauk Point; and a collector for the district shall be appointed, to reside at Sagg Harbour, which shall be the only place of delivery in the said district. The district of

Districts and  
ports in New  
York.

Districts and  
ports in New  
York.

the city of New York shall include such part of the coasts, rivers, bays and harbours of the said State, not included in the district of Sagg Harbour, and moreover, the several towns or landing places of New Windsor, Newburgh, Poughkeepsie, Esopus, city of Hudson, Kinderhook, and Albany, as ports of delivery only; and a naval officer, collector and surveyor for the district shall be appointed, to reside at the city of New York; also two surveyors, one to reside at the city of Albany, and the other at the city of Hudson; and all ships or vessels bound to, or from any port of delivery within the last named district, shall be obliged to come to, and enter or clear out at the city of New York.

Districts and  
ports in New  
Jersey.

In the State of New Jersey shall be three districts, to wit: Perth Amboy, Burlington and Bridgetown, which shall severally be ports of entry. The district of Perth Amboy shall comprehend all that part of the State of New Jersey known by the name of East New Jersey (that part excepted which is hereafter included in the district of Burlington) together with all the waters thereof, heretofore within the jurisdiction of the said State, in which district the towns or landing places of New Brunswick, Middletown Point, Elizabethtown and Newark, shall be ports of delivery only; and a collector for the district shall be appointed, to reside at Perth Amboy. The district of Burlington shall comprehend that part of the said State known by the name of West New Jersey, which lies to the eastward and northward of the county of Gloucester, with all the waters thereof, heretofore within the jurisdiction of the said State, including the river and inlet of Little Egg Harbour, with the waters emptying into the same, and the sea coast, sound, inlets and harbours thereof, from Barnegat inlet to Brigantine inlets, in which district the landing places of Lambertton and Little Egg Harbour shall be ports of delivery only; and a collector shall be appointed for the district, to reside at Burlington, and a surveyor at Little Egg Harbour. The district of Bridgetown shall comprehend the counties of Gloucester, Salem, Cumberland and Cape May, (that part of Gloucester county excepted which is included within the district of Burlington,) and all the waters thereof heretofore within the jurisdiction of the said State; and the town of Salem, Port Elizabeth on Morrice river, and Stillwell's landing on Great Egg Harbour, shall be ports of delivery only; and a collector for the district shall be appointed, to reside at Bridgetown.

Districts and  
ports in Penn-  
sylvania.

The State of Pennsylvania shall be one district, and Philadelphia shall be the sole port both of entry and delivery for the same; and a naval officer, collector and surveyor for the district shall be appointed, to reside at the said port of Philadelphia.

Districts and  
ports in Dela-  
ware.

The State of Delaware shall be one district, and the borough of Wilmington shall be the port of entry, to which shall be annexed Newcastle and Port Penn as ports of delivery only; and a collector for the district shall be appointed, to reside at the said port of Wilmington.

Districts and  
ports in Mary-  
land.

In the State of Maryland shall be nine districts, to wit: Baltimore, Chester, Oxford, Vienna, Snow Hill, Annapolis, Nottingham, Nanjemoy, and Georgetown. The district of Baltimore shall include Patapsco, Susquehanna and Elk rivers, and all the waters and shores on the west side of Chesapeake Bay, from the mouth of Magetty river to the south side of Elk river, inclusive, in which Havre de Grace and Elkton shall be ports of delivery only; and a naval officer, collector and surveyor shall be appointed for the said district, to reside at the town of Baltimore, which shall be the sole port of entry. The district of Chester shall include Chester river, and all the waters and shores on the eastern side of Chesapeake Bay, from the south side of Elk river to the north side of the Eastern bay and Wye river, exclusive, in which Georgetown on Sassafras river shall be a port of delivery only; and a collector for the district shall be appointed, to reside at Chester, which shall be the sole port of entry. The district of Oxford shall include all the waters

and shores on the eastern side of Chesapeake Bay, from the north side of Wye river and the Eastern bay, to the south side of Choptank river, inclusive, and Cambridge shall be a port of delivery only; and a collector for the district shall be appointed, to reside at Oxford, which shall be the sole port of entry. The district of Vienna shall include all the waters and shores on the eastern side of Chesapeake Bay, from the south side of Choptank river to the south side of Wicomico river, inclusive, and Salisbury shall be a port of delivery only; and a collector for the district shall be appointed, to reside at Vienna, which shall be the sole port of entry. The district of Snow Hill shall include all the waters and shores on the sea coast, from the north line of Virginia to the south line of Delaware, together with all the waters and shores on the eastern side of Chesapeake Bay, from the south side of Wicomico river to the south side of Pocomoke river, inclusive, so far as the jurisdiction of the said State of Maryland extends, to which Sinnepuxent shall be a port of delivery for West India produce only; and a collector for the district shall be appointed, to reside at Snow Hill, which shall be the sole port of entry. The district of Annapolis shall include Magetty river, and all the waters and shores from thence to Drum Point, on Patuxent river; and a collector for the district shall be appointed, to reside at Annapolis, which shall be the sole port of entry and delivery for the same. The district of Nottingham shall include all the waters and shores on the west side of Chesapeake Bay to Drum Point, on the river Patuxent, together with the said river, and all the navigable waters emptying into the same, to which Benedict, Lower Marlborough, Town Creek, and Silvey's landing, shall be annexed as ports of delivery only; a collector for the district shall be appointed, to reside at Nottingham, and a surveyor at Town Creek; and Nottingham shall be the sole port of entry. The district of Nanjemoy shall include all the waters of Potomac river, within the jurisdiction of the State of Maryland, from Point Lookout to Pomonkey creek, inclusive, to which St. Mary's shall be annexed as a port of delivery only; and a collector for the district shall be appointed, to reside at Nanjemoy; also a surveyor to reside at St. Mary's, and Nanjemoy shall be the sole port of entry. The district of Georgetown shall include all the waters and shores from Pomonkey creek, on the north side of Potomac river, to the head of the navigable waters of the said river, within the jurisdiction of the State of Maryland, to which Digges's landing and Carrollsburg shall be annexed as ports of delivery only; and a collector for the district shall be appointed, to reside at Georgetown, which shall be the sole port of entry.

Districts and  
ports in Mary-  
land.

In the State of Virginia shall be twelve districts, to wit: Hampton as one port; Norfolk and Portsmouth as one port; Bermuda Hundred and City Point as one port; Yorktown, Tappahannock, Yeocomico river, including Kinsale, Dumfries, including Newport, Alexandria, Folly-Landing, Cherry-Stone, South-Quay, and Louisville; the authority of the officers at Hampton shall extend over all the waters, shores, bays, harbours, and inlets, between the south side of the mouth of York river, along the west shore of Chesapeake Bay to Hampton, and thence up James river to the west side of Chickahominy river; and a collector shall be appointed, to reside at Hampton, which shall be the sole port of entry. To the district of Norfolk and Portsmouth shall be annexed Suffolk and Smithfield as ports of delivery only; and the authority of the officers of the said district shall extend over all the waters, shores, bays, harbours, and inlets, comprehended within a line drawn from Cape Henry to the mouth of James river, and thence up James river to Jordan's Point, and up Elizabeth river to the highest tide water thereof; and Norfolk and Portsmouth shall be the sole port of entry; and a collector, naval officer and surveyor for the district shall be appointed, to reside at Norfolk; also a surveyor to reside at each of the ports of Suf-

Districts and  
ports in Virgi-  
nia.

Districts and  
ports in Virgi-  
nia.

fold and Smithfield. To the district of Bermuda Hundred, or City Point, shall be annexed Richmond, Petersburg and Manchester, as ports of delivery only; and a collector and surveyor shall be appointed, to reside at Bermuda Hundred, or City Point, which shall be the sole port of entry; also a surveyor for Petersburg, to reside thereat, and a surveyor for Richmond and Manchester, to reside at Richmond; and the authority of the officers of the said district shall extend over all the waters, shores, bays, harbours and inlets, comprehended between Jordan's Point and the highest tide-water on James and Appomattox rivers. To the district of Yorktown shall be annexed West Point and Cumberland, as ports of delivery only; and a collector for the district shall be appointed, to reside at Yorktown, which shall be the sole port of entry; also a surveyor for the two ports of delivery, to reside at West Point; and the authority of the officers of the said district shall extend over all waters, shores, bays, harbours and inlets, comprehended between the point forming the south shore of the mouth of Rappahannock river, and the point forming the south shore of the mouth of York river, and thence up the said river to West Point, and thence up Pamunkey and Mattaponi rivers, to the highest navigable waters thereof. To the district of Tappahannock shall be annexed Urbanna, Port Royal, Fredericksburg and Falmouth, as ports of delivery only; and a collector for the district shall be appointed, to reside at Tappahannock, which shall be the sole port of entry; also a surveyor for each of the ports of Urbanna, Port Royal, and Fredericksburg, and the authority of the officers of the said district shall extend over all the waters, shores, bays, harbours and inlets, comprehended between Smith's Point, at the mouth of Potomac, and the point forming the south shore of the mouth of Rappahannock river, and thence up the last mentioned river to the highest tide water thereof. The district of Yeocomico river, including Kinsale, shall extend from Smith's Point on the south side of Potomac river, to Boyd's Hole on the same river, including all the waters, shores, bays, rivers, creeks, harbours and inlets, along the south shore of Potomac river to Boyd's Hole aforesaid; and Yeocomico, including Kinsale, shall be the sole port of entry; and a collector shall be appointed, to reside on Yeocomico river. The district of Dumfries, including Newport, shall extend from Boyd's Hole to Cockpit Point on the south side of Potomac river; and a collector shall be appointed, to reside at Dumfries, which shall be the sole port of entry; and the authority of the officers of this district shall extend over all the waters, shores, bays, harbours and inlets, comprehended between Boyd's Hole and Cockpit Point aforesaid. For the district of Alexandria shall be appointed a collector and surveyor, to reside at Alexandria, which shall be the sole port of entry; and the authority of the officers of the said district shall extend over all the waters, shores, bays, harbours and inlets, on the south side of the river Potomac, from the last mentioned Cockpit Point, to the highest tide water of the said river. For the district of Folly-Landing shall be appointed a collector, who shall reside at Accomack Court House, and whose authority shall extend over all the waters, shores, bays, harbours and inlets of the county of Accomack. For the district of Cherry-Stone shall be appointed a collector, to reside at Cherry-Stone, whose authority shall extend over all the waters, shores, bays, harbours and inlets comprehended within Northampton county. For the district of South-Quay a collector shall be appointed, to reside thereat, whose authority shall extend over all the waters, shores, bays, harbours and inlets in that part of Virginia, comprehended within the limits of the said State. For the district of Louisville a collector shall be appointed, to reside thereat, whose authority shall extend over all waters, shores and inlets, included between the rapids and the mouth of Ohio river, on the south-east side thereof.

In the State of South Carolina shall be three districts, to wit: George-

town, Charleston and Beaufort, each of which shall be a port of entry. The district of Georgetown shall include the shores, inlets and rivers, from the boundary of North Carolina to the point of Cape Roman. The district of Charleston shall include all the shores, inlets and rivers, from Cape Roman to Combahee river, inclusive; and the district of Beaufort shall include the shores, inlets and rivers from Combahee river to Back river in Georgia, comprehending also the shores, inlets and harbours, formed by the different bars and sea islands, lying within each district respectively; at the port of Charleston shall be a collector, naval officer and surveyor, and a collector at each of the other ports.

Districts and  
ports in South  
Carolina.

In the State of Georgia shall be four districts, to wit: Savannah, Sunbury, Brunswick, and St. Mary's, each of which shall be a port of entry. The district of Savannah shall include Savannah river, Great and Little Ogeechee rivers, with the other harbours, creeks and rivers, formed by the inlets of Tybee, Little Tybee, Warsaw and Ossabaw, north of the island of Ossabaw; and a naval officer, collector and surveyor, for the said district shall be appointed, to reside at Savannah. The district of Sunbury shall include the Medway, North and South Newport, and Sapelo rivers, with the harbours, creeks and rivers, formed by the inlets of St. Catherine's, south of Ossabaw and Sapelo; and a collector for the district shall be appointed to reside at Sunbury. The district of Brunswick shall include the Alatomaha, Frederica, and Turtle rivers, with the other harbours, creeks and rivers, formed by the inlets of Doboy south of Sapelo, Alatomaha, and St. Simons, north of the south point of Jekyl island; Frederica shall be a port of delivery only; and a collector for the said district shall be appointed, to reside at Brunswick; the district of St. Mary's shall include Great Setilla, Little Setilla, Crooked river, and St. Mary's river, with the harbours, creeks and rivers, formed by the inlets of St. Andrews and Amelia sounds; and a collector for the said district shall be appointed, to reside at St. Mary's. And in each district it shall be lawful for the collector to grant a permit to unlade at any port or place within the district, and to appoint or put on board any ship or vessel for which a permit is granted, one or more searchers or inspectors, as may be necessary for the security of the revenue.

Districts and  
ports in Georgia.

SEC. 2. *And be it further enacted*, That every port of entry established by this act, shall be a port of delivery also: *Provided always*, That no ship or vessel not wholly belonging to a citizen or citizens of the United States, shall be admitted to unload at any port or place except the following, to wit: Portsmouth, in the State of New Hampshire, Portland, Falmouth, Dighton, Salem, Gloucester, Newburyport, Marblehead, Sherbourne, Boston, Plymouth, Wiscasset, Machias, and Penobscot, in the State of Massachusetts; New London or New Haven, in the State of Connecticut; New York; Perth Amboy or Burlington, in the State of New Jersey; Philadelphia; Wilmington, New Castle and Port Penn, in the State of Delaware; Baltimore, Annapolis, Vienna, Oxford, Georgetown on Potomac, Chester Town, Town Creek, Nottingham, Nanjemoy, Digges's Landing, Snowhill and Carrollsburg, in the State of Maryland; Alexandria, Kinsale, Newport, Tappahannock, Port Royal, Fredericksburg, Urbanna, Yorktown, West Point, Hampton, Bermuda Hundred, City Point, Rockett's Landing, Norfolk or Portsmouth, in the State of Virginia; Charleston, Georgetown or Beaufort, in the State of South Carolina; or in either of the districts of Savannah, Sunbury, Brunswick or St. Mary's, in the State of Georgia: nor shall any ship or vessel arriving from the Cape of Good Hope, or from any place beyond the same, be admitted to enter at any other than the following ports, to wit: Portsmouth, in the State of New Hampshire; Boston, Newburyport, Salem, Gloucester, Portland or Falmouth, in the State of Massachusetts; New London or New Haven,

Ports of entry  
to be ports  
of delivery also.

Ports of delivery to which  
foreign vessels  
are restricted.

Ports of entry  
to which vessels  
arriving from  
the Cape of  
Good Hope, or  
beyond it, are  
restricted.

in the State of Connecticut; New York; Perth Amboy; Philadelphia; Wilmington, in the State of Delaware; Baltimore town, Annapolis, or Georgetown, in the State of Maryland; Alexandria, Norfolk, or Portsmouth, in the State of Virginia; Charleston, Georgetown, or Beaufort, in the State of South Carolina; Sunbury, or Savannah, in the State of Georgia: *Provided*, That nothing herein contained shall be construed to prevent the master or commander of any ship or vessel, from making entry with the collector of any port or district in which such ship or vessel may be owned, or from whence she may have sailed on such voyage.

Ports of delivery to which vessels bound shall first come at the port of entry.

SEC. 3. *And be it further enacted*, That the master or commander of every ship or vessel bound to a port of delivery only, in any of the following districts, to wit: Portland and Falmouth, Bath, Newburyport, New London, (except the port of Stonington in the said district) Norfolk and Portsmouth, Bermuda Hundred and City Point, Yorktown or Tappahannock, (except the port of Urbanna in the said district) shall first come to at the port of entry of such district, with his ship or vessel, and there make entry, deliver a manifest of her cargo, and pay, or secure to be paid, all legal duties, tonnage, port fees and charges, in manner by this act provided, before such ship or vessel shall proceed to her port of delivery; and that any ship or vessel bound to a port of delivery in any other district not under like restrictions by this act, or to either of the ports of Stonington, or Urbanna, may first proceed to her port of delivery, and then make legal entry within the time by this act limited.

Districts to which vessels bound shall not pass certain ports, without delivering a manifest.

SEC. 4. *And be it further enacted*, That the master or commander of every ship or vessel, if bound to the district of Nottingham, shall, before he pass by the port of Town Creek, and immediately after his arrival, deposit with the surveyor of the said port, a true manifest of the cargo on board such ship or vessel; if bound to any district on the Potomac, shall, before he pass by the rivers St. Mary's and Yeocomico, and immediately after his arrival, deposit with the surveyor at St. Mary's, or the collector at Yeocomico, as may be most convenient, a true manifest of the cargo on board such ship or vessel, including a declaration of the port at which the same is to be entered; if bound to the district of Tappahannock, shall, before he pass by the port of Urbanna, and immediately after his arrival, deposit with the surveyor for that port, a like manifest; and if bound to the district of Bermuda Hundred or City Point, shall, before he pass by Elizabeth river, and immediately after his arrival, deposit with the collector of the port of Norfolk and Portsmouth, or with the collector for the port of Hampton, a like manifest; and the said surveyors and collector respectively, shall, after registering the manifests, transmit the same duly certified to have been so deposited to the officer with whom the entries are to be made, without which certificate no such entry shall be received.

Duties of the collector.

SEC. 5. *And be it further enacted*, That the duties of the respective officers to be appointed by virtue of this act, shall be as follows: At such of the ports to which there shall be appointed a collector, naval officer and surveyor, it shall be the duty of the collector to receive all reports, manifests and documents made or exhibited to him by the master or commander of any ship or vessel, conformably to the regulations prescribed by this act, to make due entry and record in books to be kept for that purpose, all such manifests and the packages, marks and numbers contained therein; to receive the entry of all ships and vessels, and of all the goods, wares and merchandise imported in such ships or vessels, together with the original invoices thereof; to estimate the duties payable thereon, and to endorse the same on each entry; to receive all monies paid for duties, and to take all bonds for securing the payment of duties; to grant all permits for the unlading and delivery

of goods, to employ proper persons as weighers, gaugers, measurers and inspectors at the several ports within his district, together with such persons as shall be necessary to serve in the boats which may be provided for securing the collection of the revenue, to provide at the public expense, and with the approbation of the principal officer of the treasury department, store-houses for the safe keeping of goods, together with such scales, weights and measures as shall be deemed necessary, and to perform all other duties which shall be assigned to him by law. It shall be the duty of the naval officer to receive copies of all manifests, to estimate and record the duties on each entry made with the collector, and to correct any error made therein, before a permit to unlade or deliver shall be granted; to countersign all permits and clearances granted by the collector. It shall be the duty of the surveyor to superintend and direct all inspectors, weighers, measurers and gaugers within his district, and the employment of the boats which may be provided for securing the collection of the revenue; to go on board ships or vessels arriving within his district, or to put on board one or more inspectors, to ascertain by an hydrometer, what distilled spirits shall be of Jamaica proof, rating all distilled spirits which shall be of the proof of twenty-four degrees as of Jamaica proof, and to examine whether the goods imported are conformable to the entries thereof; and the said surveyors shall in all cases be subject to the control of the collector and naval officer.

Naval officer  
and surveyor.

SEC. 6. *And be it further enacted*, That every collector appointed in virtue of this act, in case of his necessary absence, sickness, or inability to execute the duties of his office, may appoint a deputy, duly authorized under his hand and seal, to execute and perform on his behalf, all and singular the powers, functions and duties of collector of the district to which he the said principal is attached, who shall be answerable for the neglect of duty, or other mal-conduct of his said deputy in the execution of the office.

Collector may  
appoint a deputy.

SEC. 7. *And be it further enacted*, That in case of the disability or death of any collector, the duties and authorities vested in him by this act shall devolve on his deputy, if any such hath been appointed, (for whose conduct the estate of such disabled or deceased collector shall be liable,) and the said deputy shall exercise the authority and perform all the duties, until a successor shall be appointed. But in cases where no deputy is appointed, the authorities and duties of the disabled or deceased collector, shall devolve upon the naval officer of the same district, until a successor duly authorized and sworn, shall enter upon the execution of the duties of the said office.

Duties of a  
deputy collector.

SEC. 8. *And be it further enacted*, That at such of the ports established by this act, to which a collector and surveyor only are assigned, the said collector shall execute all the duties herein required to be done by the collector and naval officer at other ports. That at such ports to which a collector only is assigned, such collector shall possess all the powers, and execute as far as may be, all the duties prescribed to a collector, naval officer, and surveyor, at the ports where such officers are established; that at such ports of delivery only, to which a surveyor is assigned, it shall be his duty to receive and record the copies of all manifests transmitted to him by the collector; to enter and record all permits granted by such collector, distinguishing the gauge, weight, measure and quality of the goods specified therein; to take care that no goods be unladen or delivered from any ship or vessel without such permit; and to perform all other duties required to be done by a surveyor; that at such ports of delivery only, to which no surveyor is assigned, it shall be the duty of the collector of the district to attend the unlading and delivery of goods, or in cases of necessity, to employ a proper person or persons for that purpose, who shall possess the power, and be en-

Further duties  
of collector and  
surveyor.



titled to the like compensation allowed to inspectors during the time they are employed. Every collector, naval officer and surveyor, shall attend in person at the port or district for which he is appointed, and before he enters on the execution of his office, shall take an oath or affirmation in the form following, to wit: "I, ———, do solemnly swear or affirm (as the case may be) that I will truly and faithfully execute and perform all the duties of a ——— of the port or district of ——— according to law, and the best of my skill and ability." The said oath or affirmation shall be administered by any justice of the peace, and a certificate thereof, under the hand and seal of such justice, transmitted within three months thereafter to the comptroller of the treasury. Any collector, naval officer or surveyor, failing herein, shall forfeit and pay two hundred dollars, recoverable with costs in any court having cognizance thereof, to the use of the informer. And no weigher, gauger, measurer or inspector, shall execute the duties of his office, until he shall have taken the above oath or affirmation.

Collectors,  
naval officers,  
and surveyors,  
to keep books.

Collectors to  
pay all monies  
received, and  
settle their ac-  
counts every  
three months.

Masters of  
vessels from fo-  
reign ports to  
deliver two  
manifests to any  
officer who shall  
first go on board

SEC. 9. *And be it further enacted,* That the collectors, naval officers and surveyors, to be appointed by virtue of this act, shall respectively keep fair and true accounts of all their transactions relative to their duty as officers of the customs, in such manner and form as may be directed by the proper department, or officer appointed by law to superintend the revenue of the United States; and shall at all times submit their books, papers and accounts, to the inspection of such persons as may be appointed for that purpose; and the collectors of the different ports shall at all times pay to the order of the officer who shall be authorized to direct the same, the whole of the monies which they may respectively receive by virtue of this act (such monies as they are otherwise by this act directed to pay, only excepted), and shall also, once in every three months, or oftener if they shall be required, transmit their accounts for settlement to the department or officer before mentioned.

SEC. 10. *And be it further enacted,* That every master or other person having or taking the charge or command of any ship or vessel, bound to any port of the United States, from any foreign port or place, shall deliver upon demand, to any officer or other person lawfully authorized, who shall first come on board his ship or vessel, two manifests, signed by the said master or person having command, and specifying in words (and not in figures) a true account of the loading which such ship or vessel had on board at the port from which she last sailed, and at the time of her sailing, or at any time since, the packages, marks and numbers, and noting thereon to what port in the United States such ship or vessel is bound, and the name or names of the person or persons to whom the goods are consigned, or in cases where the goods are shipped to order, the names of the shippers, noting the goods consigned to their order. One of which manifests, such officer, or other person, shall sign, and return to the master or other person having the charge of such ship or vessel, certifying thereon as nearly as may be, the time when the same was produced, and that a like manifest was delivered to him; and shall transmit the other manifest to the collector of the district to which such ship or vessel is bound.

Master to  
make entry  
within 48 hours,  
and swear to his  
manifest.

SEC. 11. *And be it further enacted,* That the master or other person, having the charge or command of any ship or vessel (ships and vessels of war excepted) coming into, or arriving in any of the ports or districts of the United States, or in any of the creeks or harbours thereof, shall, within forty-eight hours after such arrival, repair to the office of the collector of the district where such vessel shall so arrive, and shall report to the said collector the place from whence he last sailed, with the name and burthen of his ship or vessel, and shall deliver to such collector two manifests, agreeably to the directions of this act, unless he shall before have delivered one manifest to some offi

cer, or other person lawfully authorized in manner as herein before is required; in which case he shall deliver the manifest certified as aforesaid, together with such documents as are usually furnished in the port from whence they came, and shall take and subscribe an oath or affirmation, before the collector or other proper officer, which oath or affirmation, he or they are authorized and required to administer, and shall be in the words following, to wit: "I, ———, do solemnly swear or affirm (as the case may be) that this is, to the best of my knowledge and belief, a just and true manifest of all the goods, wares and merchandise, on board the ———, at the port from which she last sailed, at the time of her sailing, or at any time since, and of which vessel I am at present master." And if the master or other person having charge or command of any such ship or vessel, shall refuse or neglect to make entry, or deliver his manifests and documents, pursuant to the directions of this act, or to take the oath or affirmation herein prescribed, he shall forfeit and pay five hundred dollars for each refusal or neglect.

Penalty on refusal or neglect.

SEC. 12. *And be it further enacted*, That no goods, wares or merchandise, shall be unladen or delivered, from any ship or vessel, but in open day, or without a permit from the collector for that purpose; and if the master or commander of any ship or vessel shall suffer or permit the same, such master and commander, and every other person who shall be aiding or assisting in landing, removing, housing, or otherwise securing the same, shall forfeit and pay the sum of four hundred dollars for every offence; shall moreover be disabled from holding any office of trust or profit under the United States, for a term not exceeding seven years; and it shall be the duty of the collector of the district, to advertise the names of all such persons in the public gazette of the State in which he resides, within twenty days after each respective conviction. And all goods, wares and merchandise, so landed or discharged, shall become forfeited, and may be seized by any officer of the customs; and where the value thereof shall amount to four hundred dollars, the vessel, tackle, apparel and furniture, shall be subject to like forfeiture and seizure: *Provided always*, That if any ship or vessel compelled by distress of weather, or other sufficient cause, shall put into any port or place of the United States, other than that to which she was actually destined, the master or other person having command, shall within forty-eight hours next after his arrival, make report and deliver a true manifest of his cargo to the collector of the port or district; and moreover shall within twenty-four hours, make protest in the usual form before a notary public or justice of the peace, of the cause and circumstances of such distress; and if it shall appear to the collector, that there is a necessity for unloading such ship or vessel, he shall grant permission, and appoint a proper officer to attend the unloading thereof; and all goods, wares and merchandise so unladen, shall be stored under the direction, and subject to the safe keeping of such collector; but if any part thereof shall be of a perishable nature, or it may be necessary to make sale of any part thereof to defray the expenses of such vessel or cargo, the said collector shall grant a license to the master, commander or owner, to dispose of so much thereof as are perishable, or shall be necessary to defray such expenses: *Provided*, That the duties thereon be first paid or secured: *And provided also*, That such necessity be made appear by the wardens of the port, or other persons legally authorized to certify the same, and where there are no such persons, by the affidavit of two reputable citizens of the neighbourhood, best acquainted with matters of that kind.

Penalty on masters and others permitting goods to be unladen, unless in open day, and with a permit.

The goods to be forfeited.

Ships or vessels compelled by distress of weather to make entry and protest.

Collector may grant a permit to unload and sell perishable goods, or sufficient to defray expenses;

the duties being first paid or secured.

SEC. 13. *And be it further enacted*, That every person having goods, wares or merchandise, in any ship or vessel, which shall arrive at any port of entry, or of delivery only, shall make entry with the collector of

Owner or consignee of goods imported, to make entry,

and take an oath  
to the truth  
thereof.

the port or district where the same shall arrive, of all such goods, wares and merchandise, specifying the number of packages, and the marks, numbers and contents of each (or if in bulk, the quantity and quality) together with an account of the nett prime cost thereof; and shall moreover produce to the collector, the original invoice or invoices, together with the bills of loading; and the said collector shall estimate and endorse the duties on the said entry, the party making such entry taking an oath or affirmation, that it contains the whole of the goods, wares and merchandise imported by him, or to him consigned in such ship or vessel, which shall then have come to his knowledge, and that the said invoice contains, to the best of his knowledge and belief, the nett prime cost thereof, and that if he shall afterwards discover any other, or greater quantity than is contained in such entry, he will make due report and entry thereof; and the said oath or affirmation shall be administered by the collector, and the entry shall be subscribed by the person making the same. *Provided*, That in all cases where the party making entry shall reside ten miles or upwards from such port, the affidavit or affirmation of such party, taken before a justice of the peace, and by him endorsed on the original invoices, shall be as effectual as if administered and endorsed by the collector.

All entries to be  
examined and  
countersigned  
by the naval of-  
ficer.

SEC. 14. *And be it further enacted*, That all such entries so authenticated by the collector, together with a copy of the same made out by the party, shall, before any permit is granted for the landing of any goods, wares or merchandise therein contained, be examined by the naval officer (where such officer is established), who shall countersign the same, and retaining one, shall return the other certified to the party, together with the bills of lading, and invoice or invoices; and on such certified entries being returned to the collector, and the duties thereon paid or secured to be paid, he shall grant a permit for the unlading and landing the goods, wares and merchandise therein mentioned. And at such ports for which no naval officer is appointed, the collector shall grant like permits for the unlading and landing of all such goods as shall be so entered, and the duties thereof paid or secured.

Inspectors to  
be appointed.

Their duty.

SEC. 15. *And be it further enacted*, That it shall and may be lawful for the collector, naval officer and surveyor, of any port of entry or delivery, at which any ship or vessel may arrive, to put on board such ship or vessel one or more inspectors, who shall make known to the person having charge of such ship or vessel, the duties he is to perform by virtue of this act; and such inspector shall suffer no goods, wares or merchandise, to be delivered without a permit from the proper officer, authorizing the same; and shall enter in a book to be by him kept for that purpose, the contents of each permit, specifying the marks and numbers of each package, and a description thereof, with the name of the person to whom such permit was granted; and if at the expiration of fifteen working days after such ship or vessel shall begin to unload her cargo, there shall be found on board, any goods, wares or merchandise, the said inspector shall take possession thereof, and deliver them to the collector of the district, or to such person as he shall authorize or appoint on his behalf to receive the said goods, taking his receipt for the same, and giving a certificate to the person having command, describing the packages, with their marks and numbers so taken: and as soon as any ship or vessel is entirely unladen, he shall with the collector and naval officer, compare the account and entries he has made of the goods unladen from such ship or vessel, with the manifest delivered to the collector, and if it appears that there are more goods than are specified in the said manifest, the same shall be endorsed thereon, with a description of the packages, their marks and numbers, or of such goods as may be in bulk, and the same shall be subscribed by such inspector, who is hereby directed to remain on board the said ship or vessel until

she is discharged: *Provided always*, That the said limitation of fifteen days shall not extend to vessels laden with salt or coal, but if the master or owner of such vessels require longer time to discharge their cargoes, the wages of the inspector for every day's attendance, exceeding the said fifteen days, shall be paid by the master or owner. And if any goods, wares or merchandise, subject to duty, shall be removed from the wharf or place where the same may be landed, before they shall be weighed or gauged, (as the case may be,) or without the consent of the collector, or other proper officer, all such goods, wares and merchandise, so removed, shall be forfeited. All goods delivered to the collector in manner aforesaid, shall be kept at the charge and risk of the owner, for a term not exceeding nine months; and if within that time no claim be made for the same, an appraisement thereof shall be made by two or more reputable merchants, and lodged with the collector, who shall sell the same at public auction, and pay the proceeds, retaining the duties and charges thereon, into the treasury of the United States, there to remain for the use of the owner, who shall, upon due proof of his property, be entitled to receive the same; and the receipt or certificate of the collector, shall exonerate the master or commander from all claim of the owner. *Provided*, That where entry shall have been duly made of such goods, the same shall not be appraised; and that where such goods are of a perishable nature, they shall be sold forthwith.

Inspector's  
duty.

SEC. 16. *And be it further enacted*, That if any goods, wares or merchandise, on which duties are payable, shall receive damage during the voyage, or shall not be accompanied with the original invoice of their cost, it shall be lawful for the collector to appoint one merchant, and the owner or consignee another, who being sworn or affirmed by the collector well and truly to appraise such goods, shall value them accordingly, and the duties upon such goods shall be estimated according to such valuation; and if any package, or any goods stowed in bulk, which shall have been entered as is herein before directed, shall not be duly delivered, or if any of the packages so entered shall not agree with the manifest, or if the manifest shall not agree with the delivery, in every such case the person having command shall forfeit and pay the sum of two hundred dollars, unless it shall appear that such disagreement was occasioned by unavoidable necessity or accident, and not with intention to defraud the revenue.

Goods damaged on a voyage, or not accompanied with invoices, to be appraised.

SEC. 17. *And be it further enacted*, That the ad valorem rates of duty upon all goods, wares and merchandise, at the place of importation, shall be estimated by adding twenty per cent. to the actual cost thereof, if imported from the Cape of Good Hope, or from any place beyond the same; and ten per cent. on the actual cost thereof, if imported from any other place or country, exclusive of all charges.

Rule for estimating the ad valorem rates of duty, at the place of importation.

SEC. 18. *And be it further enacted*, That all foreign coins and currencies shall be estimated according to the following rates: each pound sterling of Great Britain, at four dollars forty-four cents; each livre tournois of France, at eighteen cents and a half; each florin or guilder of the United Netherlands, at thirty-nine cents; each mark banco of Ham-burgh, at thirty-three cents and one third; each rix dollar of Denmark, at one hundred cents; each rix dollar of Sweden, at one hundred cents; each ruble of Russia, at one hundred cents; each real plate of Spain, at ten cents; each milree of Portugal, at one dollar and twenty-four cents; each pound sterling of Ireland, at four dollars ten cents; each tale of China, at one dollar forty-eight cents; each pagoda of India, at one dollar ninety-four cents; each rupee of Bengal, at fifty-five cents and a half; and all other denominations of money in value as near as may be to the said rates; and the invoices of all importations shall be made out in the currency of the place or country from whence the importation shall be made, and not otherwise.

Rates of foreign coin and currency.

Invoices to be in currency of the place from whence the importation comes

Duties, how  
to be paid or se-  
cured.

SEC. 19. *And be it further enacted*, That all duties on goods, wares and merchandise, imported, shall be paid by the importer, before a permit shall be granted for landing the same, unless the amount of such duties shall exceed fifty dollars, in which case it shall be at the option of the party making entry, to secure the same by bond, with one or more sufficient sureties, to be approved of by the collector, and made payable as followeth, to wit: For the duties upon all articles of West India produce, within four months; for the duties upon all Maderia wines, within twelve months; and for the duties upon all other goods, within six months; but in any case the party making entry shall be at liberty to deposit with the collector any part of the goods, upon which such duties shall arise, of double the value in the judgment of the collector, to secure the payment of the duties with the charges, which deposit the collector shall accept in lieu of such bond and security, and shall safely keep the goods so deposited, at the expense and risk of the party, for the term for which such bond would have been given, at the expiration whereof, unless the said deposit shall have been redeemed by the payment of the duties, the said goods shall be sold at public sale, and as much as shall be necessary applied to the payment of the said duties, and the residue, after deducting the charges which have accrued, shall be paid to the owner or owners of such goods. *Provided always*, That where the amount of duties shall exceed fifty dollars, a discount shall be allowed for prompt payment, after the rate of ten per centum per annum on the amount of such excess: *And provided also*, That no person whose bond for the payment of duties is due and unsatisfied, shall be allowed a future credit with the collector, until such bond shall be fully paid or discharged.

Duties on ton-  
nage to be paid  
within 10 days,  
and before  
clearance.

SEC. 20. *And be it further enacted*, That all the duties imposed by law on the tonnage of any ship or vessel, shall be paid to the collector, within ten days after entry made, and before such ship or vessel shall be permitted to clear out; the register of which ship or vessel at the time of entry, shall be lodged in the office of the collector, and there remain until such clearance.

Bond for du-  
ties, how to be  
prosecuted.

SEC. 21. *And be it further enacted*, That where any bond for the payment of the duties shall not be satisfied on the day it became due, the collector shall prosecute for the recovery of the money due thereon, by action or suit at law, in the proper court, having cognizance therein; and in all cases of insolvency, or where any estate in the hands of executors or administrators shall be insufficient to pay all the debts due from the deceased, the debt due to the United States on any such bonds shall be first satisfied, (a)

Goods entered  
and not truly  
invoiced, to be  
forfeited.

SEC. 22. *And be it further enacted*, That when it shall appear that any goods, wares or merchandise of which entry shall have been made, in the office of a collector, are not invoiced, according to the actual cost thereof at the place of exportation, and that the difference was made with design to defraud the revenue, all such goods, wares or merchandise, or the value thereof to be recovered of the person making entry, shall be forfeited; and in any such case, or where the collector is suspicious of fraud, and that any such goods, wares or merchandise, are not invoiced at a sum equal to that for which they have usually sold, in the place or country from whence they were imported, it shall be the duty of such collector to take the said goods, wares and merchandise into his possession, and retain the same at the risk and expense of the owner or consignee thereof, until their value, at the time and place of importation, according to the principles for estimating the same, established by this act, shall be ascertained by two reputable merchants, mutually chosen by the said collector, and owner or consignee, and the duties arising upon such valuation shall be first paid, or secured to be paid, as required by this act in other cases of importation.

How to be as-  
certained.

(a) See notes on page 263, post.

SEC. 23. *And be it further enacted*, That it shall be lawful for the collector, or other officer of the customs, after entry made of any goods, wares or merchandise, on suspicion of fraud, to open and examine, in the presence of two or more reputable merchants, any package or packages thereof, and if upon such examination they shall be found to agree with the entries, the officer making such seizure shall cause the same to be re-packed, and delivered to the owner or claimant forthwith, and the expense of such examination shall be paid by the collector, and allowed in the settlement of his accounts; but if any of the packages so examined be found to differ in their contents from the entry, and it shall appear that such difference hath been made with intention to defraud the revenue, then all the goods, wares or merchandise contained in such package or packages, shall be forfeited: *Provided always*, That if the owner or consignee of such goods as shall not be accompanied with the original invoice, should choose to wait the receipt of the invoice, in such case, the collector shall take into his possession all such goods, wares and merchandise, and store the same, at the expense and risk of the owner or consignee, until the invoice shall arrive, or until they agree to have the same valued.

Collector, or other officer, suspecting fraud, may open and examine packages.

SEC. 24. *And be it further enacted*, That every collector, naval officer and surveyor, or other person specially appointed by either of them for that purpose, shall have full power and authority, to enter any ship or vessel, in which they shall have reason to suspect any goods, wares or merchandise subject to duty shall be concealed; and therein to search for, seize, and secure any such goods, wares or merchandise; and if they shall have cause to suspect a concealment thereof, in any particular dwelling-house, store, building, or other place, they or either of them shall, upon application on oath or affirmation to any justice of the peace, be entitled to a warrant to enter such house, store, or other place (in the day time only) and there to search for such goods, and if any shall be found, to seize and secure the same for trial; and all such goods, wares and merchandise, on which the duties shall not have been paid or secured, shall be forfeited.

Goods subject to duty, and concealed, how to be searched for, seized, and secured.

SEC. 25. *And be it further enacted*, That all goods, wares and merchandise which shall be seized by virtue of this act, shall be put into and remain in the custody of the collector, until such proceedings shall be had, as by this act are required, to ascertain whether the same have been forfeited or not; and if it shall be adjudged that they are not forfeited, they shall be forthwith restored to the owner or owners, claimant or claimants thereof. And if any person or persons shall conceal or buy any goods, wares or merchandise, knowing them to be liable to seizure by this act, such person or persons shall on conviction thereof, forfeit and pay a sum double the value of the goods so concealed or purchased.

Collector to take custody of goods seized.

Penalty for concealing or buying goods subject to duty.

SEC. 26. *And be it further enacted*, That it shall be the duty of the several officers to be appointed or employed by virtue of this act, to make seizure of, and secure any ship or vessel, goods, wares or merchandise, which shall be liable to seizure by virtue of this act, as well without, as within their respective districts.

Officers may make seizure as well without as within their district.

SEC. 27. *And be it further enacted*, That if any officer or other person, executing, or aiding and assisting in the seizure of goods, shall be sued or molested for any thing done in virtue of the powers given by this act, or by virtue of a warrant granted by any judge or justice pursuant to law, such officer or other person may plead the general issue, and give this act in evidence; and if in such suit the plaintiff be nonsuited, or judgment pass against him, the defendant shall recover double cost; and in all actions, suits or informations to be brought, where any seizure shall be made pursuant to this act, if the property be claimed by any person, in every such case the onus probandi shall be upon such

Officers sued or molested may plead this act.

claimant; and if any person shall forcibly resist, prevent, or impede any officer of the customs, or their deputies, or any person assisting them in the execution of their duty, such persons so offending shall for every offence be fined in a sum not exceeding four hundred dollars.

Collectors,  
naval officers,  
and surveyors  
to enter into  
bond for per-  
formance of  
duties.

SEC. 28. *And be it further enacted*, That every collector, naval officer and surveyor, shall within three months after he enters upon the execution of his office, give bond with one or more sufficient sureties, to be approved of by the comptroller of the treasury of the United States, and payable to the said United States, conditioned for the true and faithful discharge of the duties of his office according to law; that is to say, the collector of Philadelphia in the sum of sixty thousand dollars; the collector of New York, fifty thousand dollars; the collector of Boston, forty thousand dollars; the collectors of Baltimore town and Charleston, thirty thousand dollars; the collector of Norfolk and Portsmouth, fifteen thousand dollars; the collectors of Portsmouth in New Hampshire, of Salem and Beverly, Wilmington, Annapolis, Georgetown in Maryland, Bermuda Hundred and City Point, and Alexandria, ten thousand dollars each; the collectors of Newburyport, Gloucester, Marblehead, Plymouth, Nantucket, Portland and Falmouth, New London, New Haven, Fairfield, Perth Amboy, Chester, Oxford, Yorktown, Dumfries, Georgetown in South Carolina, Beaufort, and Savannah, each five thousand dollars; and all the other collectors, in the sum of two thousand dollars each. The naval officers for the ports of Boston, New York, Philadelphia, Baltimore town and Charleston, ten thousand dollars each; and all the other naval officers, in the sum of two thousand dollars each. The surveyors of the ports of Boston, New York, Philadelphia, Baltimore town, and Charleston, five thousand dollars each; and all other surveyors, one thousand dollars each; which bonds shall be filed in the office of the said comptroller; and be by him severally put in suit for the benefit of the United States, upon any breach of the condition thereof.

Their fees of  
office and per  
centage.

SEC. 29. *And be it further enacted*, That there shall be allowed and paid to the collectors, naval officers and surveyors, to be appointed pursuant to this act, the fees and per centage following, that is to say: To each collector, for every entrance of any ship or vessel of one hundred tons burthen or upwards, two dollars and a half; for every clearance of any ship or vessel of one hundred tons burthen and upwards, two dollars and a half; for every entrance of any ship or vessel under the burthen of one hundred tons, one dollar and a half; for every clearance of a ship or vessel under one hundred tons burthen, one dollar and a half; for every permit to land goods, twenty cents; for every bond taken officially, forty cents; and for every permit to load goods for exportation, which are entitled to a drawback, thirty cents; for every official certificate, twenty cents; for every bill of health, twenty cents; for every other official document (registers excepted) required by the owner or master of every vessel, not before enumerated, twenty cents. And where a naval officer is appointed to the same port, the said fees shall be equally divided between the collector and the said naval officer, apportioning to each his moiety of the necessary expenses of stationery, and the rent of an office to be provided by the collector, in the place of his residence, most convenient for the trade of the district, in which the said collector and naval officer shall each have at least one separate room: and the said fees shall be received by the collector, who shall settle the accounts monthly, and pay to the naval officer the balance which may be due to him on such monthly settlement. To each surveyor there shall be allowed, for all the services required by law, to be performed by such surveyor, on board any ship or vessel of one hundred tons and upwards, and having on board goods, wares and merchandise, subject to duty, three dollars; for the like services on board any ship or vessel of less than one hundred

tons burthen, having on board goods, wares and merchandise, subject to duty, one and a half dollars; on all vessels not having on board goods, wares and merchandise, subject to duty, two thirds of a dollar: all which fees shall be paid to the collector, by the master or owner of the ship or vessel in which the services are performed, and the said collector shall pay weekly to the surveyor the fees so received. To each inspector there shall be allowed for every day he shall be actually employed in aid of the customs, a sum not exceeding one dollar and twenty-five cents, to be paid by the collector out of the revenue, and charged to the public; to the measurers, weighers and gaugers respectively for their services, shall be allowed, and paid by the collector out of the revenue, for the measurement of every one hundred bushels of salt or grain, eighteen cents; for the measurement of every one hundred bushels of coal, twenty-five cents; for the weighing of every one hundred and twelve pounds, one cent; for the gauging of every cask, six cents. (There shall moreover be allowed to the collectors at each of the following ports, to wit: Boston, Salem and Beverly, New York, Philadelphia, Baltimore, Norfolk or Portsmouth, and Charleston, one half a per centum on the amount of all monies by them respectively received and paid into the treasury of the United States;) and to the collector at each of the other ports by this act established, one per centum on the amount of all monies by them respectively received and paid into the treasury of the United States. Every collector, naval officer and surveyor, shall cause to be affixed, and constantly kept in some public and conspicuous place of his office, a fair table of the rates of fees, and duties demandable by law; and in case of failure herein, shall forfeit and pay one hundred dollars, to be recovered with costs, in any court having cognizance thereof, to the use of the informer; and if any officer of the customs shall demand, or receive any greater or other fee, compensation or reward, for executing any duty or service required of him by law, he shall forfeit and pay two hundred dollars for each offence, recoverable in manner aforesaid, for the use of the party grieved.

Fees of collectors, naval officers and surveyors.

To set up a table of fees.

Penalty for demanding greater or other fees.

Rates of coins for receiving duties and fees.

Drawbacks, where payable.

How to be allowed.

SEC. 30. *And be it further enacted*, That the duties and fees to be collected by virtue of this act, shall be received in gold and silver coin only, at the following rates, that is to say, the gold coins of France, England, Spain and Portugal, and all other gold coin of equal fineness, at eighty-nine cents for every pennyweight. The Mexican dollar at one hundred cents; the crown of France at one dollar and eleven cents; the crown of England at one dollar and eleven cents; and all silver coins of equal fineness at one dollar and eleven cents per ounce.

SEC. 31. *And be it further enacted*, That all the drawbacks allowed by law on the exportation of goods, wares and merchandise imported, shall be paid or allowed by the collector at whose office the said goods, wares and merchandise were originally entered, and not otherwise, retaining one per centum for the benefit of the United States.

SEC. 32. *Provided always, and be it further enacted*, That no goods, wares or merchandise, entitled to drawback, shall be reladen before an entry shall be made with the collector of the port from whence such goods are intended to be exported; which entry shall contain a particular account of the casks and packages, their marks, numbers and contents, the cost thereof, the vessel or vessels in which they were imported, and the place or places imported from; and the person or persons intending to export such goods, shall give bond, with one or more sufficient sureties, that the same or any part thereof, shall not be relanded in any port or place within the limits of the United States, as settled by the late treaty of peace; and shall moreover make oath or affirmation as to the truth of the entry, that the goods, wares and merchandise, are in quantity, quality and value, as therein expressed, according to the inward



**Drawbacks.**

entry thereof, which entry was duly made at the time of importation pursuant to the directions of this act; and that the quality is the same as at the time of importation; and the exporter of such goods shall not be entitled to draw back the duties, until at least six months after the exportation thereof, and until he shall produce to the collector with whom such outward entry is made, a certificate in writing of two reputable merchants, at the foreign port or place in which the same were landed, together with the oath or affirmation of the master and mate of the vessel in which they were exported, certifying the delivery thereof; but in case any vessel shall be cast away, or meet with such unavoidable accidents as to prevent the landing such goods, a protest in due form of law, made by the master and mate, or some of the seamen, or in case no such protest can be had, then the oath or affirmation of the exporter shall be received in lieu of the other proofs herein directed, unless there shall be good reason to suspect the truth of such oath or affirmation, in which case it shall and may be lawful for the collector to require such further proof as the nature of the case may demand. *Provided also*, That no goods, wares or merchandise imported, shall be entitled to a drawback of the duties paid, or secured to be paid thereon, unless such duties shall amount to twenty dollars at the least; nor unless they shall be exported in the same cask, package or packages, and from the port or district into which they were originally imported, and moreover shall be reladen under the inspection of the collector, naval officer or surveyor of the port.

Allowance on the exportation of dried or pickled fish and salted provisions, how to be made.

SEC. 33. *And be it further enacted*, That the sums allowed to be paid by law on the exportation of dried or pickled fish, and of salted provisions, shall be paid by the collector of the port or district from whence the same shall be exported: *Provided*, That due entry thereof shall be first made, and bonds given, as in case of drawbacks, and that no such allowance shall be made, unless it shall amount to three dollars at the least upon any one entry.

Goods entitled to drawback, or allowance, to be forfeited, if landed after entry made.

SEC. 34. *And be it further enacted*, That if any goods, wares or merchandise, entered for exportation with a view to draw back the duties, or to obtain any allowance given by law on the exportation thereof, shall be landed in any port or place within the limits of the United States as aforesaid, all such goods, wares and merchandise shall be subject to seizure and forfeiture, together with the vessel from which such goods shall be landed, and the vessels or boats used in landing the same; and all persons concerned therein, shall, on indictment and conviction thereof, suffer imprisonment for a term not exceeding six months; and for discovery of frauds, and seizure of goods, wares and merchandise, relanded contrary to law, the several officers established by this act shall have the same powers, and in case of seizure the same proceedings shall be had, as in the case of goods, wares and merchandise imported contrary to law; and for measuring, weighing or gauging goods for exportation, the same fees shall be allowed as in like cases upon the importation thereof.

Penalty on officer receiving a bribe, or conniving at a false entry.

SEC. 35. *And be it further enacted*, That if any officer of the customs shall, directly or indirectly, take or receive any bribe, reward or recompense for conniving, or shall connive at a false entry of any ship or vessel, or of any goods, wares or merchandise, and shall be thereof convicted, every such officer shall forfeit and pay a sum not less than two hundred, nor more than two thousand dollars for each offence, and be forever disabled from holding any office of trust or profit under the United States; and any person giving or offering any bribe, recompense or reward, for any such deception, collusion or fraud, shall forfeit and pay a sum not less than two hundred, nor more than two thousand dollars for each offence; and in all cases where an oath or affirmation is by this act required from a master or other person, having command of

a ship or vessel, or from an owner or consignee of goods, wares and merchandise, if the person so swearing or affirming, shall swear or affirm falsely, such person shall, on indictment and conviction thereof, be punished by fine or imprisonment, or both, in the discretion of the court before whom the conviction shall be had, so as the fine shall not exceed one thousand dollars, and the term of imprisonment shall not exceed twelve months.

On masters of vessels or others who shall take a false oath.

SEC. 36. *And be it further enacted*, That all penalties accruing by any breach of this act, shall be sued for and recovered with costs of suit, in the name of the United States, in any court proper to try the same, by the collector of the district where the same accrued, and not otherwise, unless in cases of penalty relating to an officer of the customs; and such collector shall be, and hereby is authorized and directed to sue for and prosecute the same to effect, and to distribute and pay the sum recovered, after first deducting all necessary costs and charges, according to law. And all ships or vessels, goods, wares and merchandise, which shall become forfeit by virtue of this act, shall be seized, libelled and prosecuted as aforesaid, in the proper court having cognizance thereof; and the court shall cause fourteen days, notice to be given of such seizure and libel, by causing the substance of such libel, with the order of the court thereon, setting forth the time and place appointed for trial, to be inserted in some public newspaper, nearest the place of seizure, and also by posting up the same in the most public manner for the space of fourteen days, at or near the place of trial; and proclamation shall be made in such manner as the court shall direct; and if no person shall appear to claim such ship or vessel, goods, wares or merchandise, the same shall be adjudged to be forfeited; but if any person shall appear before such judgment of forfeiture, and claim any such ship or vessel, goods, wares or merchandise, and shall give bond to defend the prosecution thereof, and to respond the cost in case he shall not support his claim, the court shall proceed to hear and determine the cause according to law; and upon the prayer of any claimant to the court, that any ship or vessel, goods, wares or merchandises so seized and prosecuted, or any part thereof should be delivered to such claimant, it shall be lawful for the court to appoint three proper persons to appraise such ship or vessel, goods, wares or merchandise, who shall be sworn in open court for the faithful discharge of their duty; and such appraisement shall be made at the expense of the party on whose prayer it is granted; and on the return of such appraisement, if the claimant shall, with one or more sureties, to be approved of by the court, execute a bond in the usual form, to the United States, for the payment of a sum equal to the sum at which the ship or vessel, goods, wares or merchandise so prayed to be delivered, be appraised, the court shall by rule order such ship or vessel, goods, wares or merchandise, to be delivered to the said claimant, and the said bond shall be lodged with the proper officer of the court; and if judgment shall pass in favour of the claimant, the court shall cause the said bond to be cancelled; but if judgment shall pass against the claimant, as to the whole or any part of such ship or vessel, goods, wares or merchandise, and the claimant shall not within twenty days thereafter pay into the court the amount of the appraised value of such ship or vessel, goods, wares or merchandise so condemned, with the costs, the bond shall be put in suit. And when any prosecution shall be commenced on account of the seizure of any ship or vessel, goods, wares or merchandise, and judgment shall be given for the claimant or claimants; if it shall appear to the court before whom such prosecution shall be tried, that there was a reasonable cause of seizure, the same court shall cause a proper certificate or entry to be made thereof, and in such case the claimant shall not be entitled to costs, nor shall the person who made the seizure, or the prosecutor be

Mode of prosecuting and recovering penalties and forfeitures.

## Limitation.

Vessels or goods condemned by virtue of this act, how to be sold, and by whom.

Appropriation of fines, penalties, and forfeitures.

Rhode Island and N. Carolina. Act of Sept. 16, 1789, ch. 15, sec. 2.  
Act of Feb. 8, 1790, ch. 1.

Goods imported from, subject to same duties as from foreign countries.

Dutiable goods of foreign growth, brought to the U. States, except by sea, and in certain vessels, subject to forfeiture.

liable to action, judgment or suit, on account of such seizure or prosecution. *Provided*, That the ship or vessel, goods, wares or merchandise be after judgment forthwith returned to such claimant or claimants, his or their agents. *And provided*, That no action or prosecution shall be maintained in any case under this act, unless the same shall have been commenced within three years next after the penalty or forfeiture was incurred.

SEC. 37. *And be it further enacted*, That all ships, vessels, goods, wares or merchandise, which shall be condemned by virtue of this act, shall be sold by the proper officer of the court in which such condemnation shall be had, to the highest bidder at public auction, by order of such court, and at such place as the court may appoint, giving at least fifteen days notice (except in case of perishable goods) in one or more of the public newspapers of the place where such sale shall be, or if no paper is published in such place, in one or more of the papers published in the nearest place thereto.

SEC. 38. *And be it further enacted*, That all penalties, fines and forfeitures, recovered by virtue of this act (and not otherwise appropriated), shall, after deducting all proper costs and charges, be disposed of as follows: One moiety shall be for the use of the United States, and paid into the treasury thereof; the other moiety shall be divided into three equal parts, and paid to the collector, naval officer and surveyor of the district wherein the same shall have been incurred; and in such districts where only two of the aforesaid officers shall have been established, the said moiety shall be equally divided between them; and in such districts where only one of the aforesaid officers shall have been established, the said moiety shall be given to such officer: *Provided nevertheless*, That in all cases where such penalties, fines and forfeitures shall be recovered in pursuance of information given to such collector, by any person, other than the said naval officer and surveyor, the one half of such moiety shall be given to the informer, and the remainder thereof shall be disposed of between the collector, naval officer and surveyor, in manner and form as above limited and expressed.

*And whereas*, The States of Rhode Island and Providence Plantations, and North Carolina, have not as yet ratified the present Constitution of the United States, by reason whereof this act doth not extend to the collecting of duties within either of the said two States, and it is thereby become necessary that the following provision with respect to goods, wares or merchandise imported from either of the said two States should for the present take place: (a)

SEC. 39. *Be it therefore further enacted*, That all goods, wares and merchandise not of their own growth or manufacture, which shall be imported from either of the said two States of Rhode Island and Providence Plantations, or North Carolina, into any other port or place within the limits of the United States, as settled by the late treaty of peace, shall be subject to the like duties, seizures and forfeitures, as goods, wares or merchandise imported from any State or country without the said limits.

SEC. 40. *And be it further enacted*, That no goods, wares or merchandise of foreign growth or manufacture, subject to the payment of duties, shall be brought into the United States, in any other manner than by sea, nor in any ship or vessel less than thirty tons burthen, except within the district of Louisville, and except also in such vessels as are now actually on their voyages; nor shall be landed, or unladen, at any other place than is by this act directed, under the penalty of seizure

(a) North Carolina adopted the Constitution by a convention called in November 1789. Rhode Island, by a convention held in May 1790, assented to the Constitution.

and forfeiture, of all such vessels, goods, wares or merchandise, brought in, landed, or unladen in any other manner. And all goods, wares and merchandise brought into the United States by land, contrary to this act, shall be forfeited, together with the carriages, horses, and oxen, that shall be employed in conveying the same.

APPROVED, July 31, 1789.

## STATUTE I.

CHAP. VI.—*An Act for settling the Accounts between the United States and individual States.*(a)

Aug. 5, 1789.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States be, and he hereby is empowered to nominate, and by and with the advice and consent of the Senate, to appoint such person or persons as he may think proper for supplying any vacancy that now is, or may hereafter take place in the Board of Commissioners, established by an ordinance of the late Congress, of the seventh of May, one thousand seven hundred and eighty-seven, to carry into effect the said ordinance and resolutions of Congress, for the settlement of accounts between the United States and individual States.

Vacancies in the board of commissioners, how to be supplied.

SEC. 2. *And be it further enacted,* That the said Board of Commissioners be, and they hereby are empowered to appoint a chief clerk, and such other clerks as the duties of their office may require; and that the pay of the said chief clerk be six hundred dollars per annum, and of each other clerk four hundred dollars per annum.

Clerks to be appointed, their salaries.

APPROVED, August 5, 1789.

## STATUTE I.

CHAP. VII.—*An Act to establish an Executive Department, to be denominated the Department of War.*(b)

Aug. 7, 1789.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there

1798, ch. 35.

(a) See act of August 5, 1790, chap. 38.

(b) *An Ordinance for ascertaining the Powers and Duties of the Secretary at War.*

*Be it ordained by the United States in Congress assembled,* That the powers and duty of the Secretary at War shall be as follows, to wit: To examine into the present state of the war department, the returns and present state of the troops, ordnance, arms, ammunition, clothing and supplies of the troops of these States, and report the same to Congress: to keep exact and regular returns of all the forces of these States, and of all the military stores, equipments and supplies in the magazines of the United States, or in other places for their use; and to receive into his care, from the officers in whose possession they may be, all such as are not in actual service: to form estimates of all such stores, equipments and supplies as may be requisite for the military service, and for keeping up competent magazines, and to report the same to the commissioners of the treasury of the United States, that measures may be taken in due time for procuring the same: to prepare estimates for paying and recruiting the troops of these United States: to carry into effect all ordinances and resolves of Congress for raising and equipping troops for the service of the United States, and for inspecting the said troops; and to direct the arrangement, destination and operation of such troops as are or may be in service, subject to the orders of Congress or of the committee of the States in the recess of Congress: to make out, seal and countersign the commissions of all such military officers as shall be employed in the service of the United States: to take order for the transportation, safe keeping and distributing the necessary supplies for such troops and garrisons as may be kept up by the United States. He shall appoint and remove at pleasure all persons employed under him, and shall be responsible for their conduct in office; all which appointments shall be immediately certified to Congress, and such certificate, or the substance thereof, registered in a book to be kept for that purpose in the office of the secretary of Congress. He shall keep a public and convenient office in the place where Congress shall reside. He shall, at least once a year, visit all the magazines and deposits of public stores, and report the state of them with proper arrangements to Congress; and shall twice a year, or oftener if thereto required, settle the accounts of his department. That as well the Secretary at War as his assistants or clerks, before they shall enter on the duties of their office, shall respectively take and subscribe an oath or affirmation of fidelity to the United States, and for the faithful execution of the trust reposed in them; and which oaths or affirmations shall be administered by the secretary of Congress, and a certificate thereof filed in his office. The oath of fidelity shall be in the words following: "I, A. B. appointed to the office of

do acknowledge that

Secretary for  
the department  
of war, his duty.

1798, ch. 35,  
sec. 5.

Principal  
clerk, his duty.

Oath of office.

Secretary to  
take charge of  
papers, &c. of  
war department.

shall be an executive department to be denominated the Department of War,<sup>(a)</sup> and that there shall be a principal officer therein, to be called the Secretary for the Department of War, who shall perform and execute such duties as shall from time to time be enjoined on, or entrusted to him by the President of the United States, agreeably to the Constitution, relative to military commissions, or to the land or naval forces, ships, or warlike stores of the United States, or to such other matters respecting military or naval affairs, as the President of the United States shall assign to the said department, or relative to the granting of lands to persons entitled thereto, for military services rendered to the United States, or relative to Indian affairs; and furthermore, that the said principal officer shall conduct the business of the said department in such manner, as the President of the United States shall from time to time order or instruct.

SEC. 2. *And be it further enacted*, That there shall be in the said department an inferior officer, to be appointed by the said principal officer, to be employed therein as he shall deem proper, and to be called the chief clerk in the department of war, and who, whenever the said principal officer shall be removed from office by the President of the United States, or in any other case of vacancy, shall, during such vacancy, have the charge and custody of all records, books and papers, appertaining to the said department.

SEC. 3. *And be it further enacted*, That the said principal officer, and every other person to be appointed or employed in the said department, shall, before he enters on the execution of his office or employment, take an oath or affirmation well and faithfully to execute the trust committed to him.

SEC. 4. *And be it further enacted*, That the Secretary for the department of war, to be appointed in consequence of this act, shall forthwith after his appointment, be entitled to have the custody and charge of all records, books and papers in the office of Secretary for the department of war, heretofore established by the United States in Congress assembled.<sup>(b)</sup>

APPROVED, August 7, 1789.

#### STATUTE I.

Aug. 7, 1789.

CHAP. VIII.—*An Act to provide for the Government of the Territory Northwest of the river Ohio.*

1800, ch. 41.  
1802, ch. 40.

*Whereas* in order that the ordinance of the United States in Congress assembled, for the government of the territory north-west of the river

I do owe faith and true allegiance to the United States of America; and I do swear (or affirm) that I will, to the utmost of my power, support, maintain and defend the said United States in their freedom, sovereignty and independence, against all opposition whatsoever." And the oath of office shall be in the words following: "I, A. B. appointed to the office of \_\_\_\_\_ do swear (or affirm) that I will faithfully, truly and impartially execute the office of \_\_\_\_\_ to which I am so appointed, according to the best of my skill and judgment; and that I will not disclose or reveal any thing that shall come to my knowledge in the execution of the said office, or from the confidence I may thereby acquire, which in my own judgment or by the injunction of my superiors ought to be kept secret." That the form of the oath of fidelity heretofore prescribed by Congress, and all former resolutions of Congress relative to the department of war, be, and they are hereby repealed.

*Done by the United States in Congress assembled, the twenty-seventh day of January, in the year of our Lord one thousand seven hundred and eighty-five, and of our sovereignty and independence the ninth.*

CHARLES THOMSON, Secretary.

RICHARD HENRY LEE, President.

(a) The Secretary at War, as the legitimate organ of the President, under a general authority from him, may exercise the power, and make the allowance to officers having a separate command. Parker v. The United States, 1 Peters, 296.

(b) By "an act to establish an executive department to be denominated the Department of the Navy, passed April 30, 1798, chap. 35, the navy department was established, and by the 5th section of that act so much of the act of August 7, 1789, as vested any of the powers given to the department over the navy, by the act of April 30, 1798, were repealed.

Ohio may continue to have full effect, it is requisite that certain provisions should be made, so as to adapt the same to the present Constitution of the United States. (a)

Act of April 30, 1802, ch. 40.

(a) *An Ordinance for the Government of the Territory of the United States north-west of the river Ohio.*

*Be it ordained by the United States in Congress assembled,* That the said territory, for the purposes of temporary government, be one district; subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient.

*Be it ordained by the authority aforesaid,* That the estates both of resident and non-resident proprietors in the said territory, dying intestate, shall descend to, and be distributed among their children, and the descendants of a deceased child in equal parts; the descendants of a deceased child or grandchild, to take the share of their deceased parent in equal parts among them; And where there shall be no children or descendants, then in equal parts to the next of kin, in equal degree; and among collaterals, the children of a deceased brother or sister of the intestate, shall have in equal parts among them their deceased parents' share; and there shall in no case be a distinction between kindred of the whole and half blood; saving in all cases to the widow of the intestate, her third part of the real estate for life, and one third part of the personal estate; and this law relative to descents and dower, shall remain in full force until altered by the legislature of the district.—And until the governor and judges shall adopt laws as hereinafter mentioned, estates in the said territory may be devised or bequeathed by wills in writing, signed and sealed by him or her, in whom the estate may be (being of full age) and attested by three witnesses;—and real estates may be conveyed by lease and release, or bargain and sale, signed, sealed and delivered by the person, being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved, and such conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year after proper magistrates, courts and registers shall be appointed for that purpose; and personal property may be transferred by delivery; saving, however, to the French and Canadian inhabitants, and other settlers of the Kaskaskies, St. Vincent's, and the neighbouring villages, who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them, relative to the descent and conveyance of property.

*Be it ordained by the authority aforesaid,* That there shall be appointed from time to time, by Congress, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress: he shall reside in the district, and have a freehold estate therein, in one thousand acres of land, while in the exercise of his office.

There shall be appointed from time to time by Congress, a secretary, whose commission shall continue in force for four years, unless sooner revoked; he shall reside in the district, and have a freehold estate therein, in five hundred acres of land, while in the exercise of his office: it shall be his duty to keep and preserve the acts and laws passed by the legislature, and the public records of the district, and the proceedings of the governor in his executive department; and transmit authentic copies of such acts and proceedings, every six months, to the secretary of Congress: There shall also be appointed a court to consist of three judges, any two of whom to form a court, who shall have a common law jurisdiction, and reside in the district, and have each therein a freehold estate in five hundred acres of land, while in the exercise of their offices; and their commissions shall continue in force during good behaviour.

The governor and judges, or a majority of them, shall adopt and publish in the district, such laws of the original States, criminal and civil, as may be necessary, and best suited to the circumstances of the district, and report them to Congress, from time to time; which laws shall be in force in the district until the organization of the general assembly therein, unless disapproved of by Congress; but afterwards the legislature shall have authority to alter them as they shall think fit.

The governor for the time being, shall be commander-in-chief of the militia, appoint and commission all officers in the same, below the rank of general officers; all general officers shall be appointed and commissioned by Congress.

Previous to the organization of the general assembly, the governor shall appoint such magistrates and other civil officers, in each county or township, as he shall find necessary for the preservation of the peace and good order in the same: After the general assembly shall be organized, the powers and duties of magistrates and other civil officers shall be regulated and defined by the said assembly; but all magistrates and other civil officers, not herein otherwise directed, shall during the continuance of this temporary government, be appointed by the governor.

For the prevention of crimes and injuries, the laws to be adopted or made shall have force in all parts of the district, and for the execution of process, criminal and civil, the governor shall make proper divisions thereof.—and he shall proceed from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships, subject, however, to such alterations as may thereafter be made by the legislature.

So soon as there shall be five thousand free male inhabitants, of full age, in the district, upon giving proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties or townships, to represent them in the general assembly; provided that for every five hundred free male inhabitants, there shall be one representative, and so on progressively with the number of free male inhabitants shall the right of representation increase, until the number of representatives shall amount to twenty-five; after which the number and proportion of representatives shall be regulated by the legislature: provided that no person be eligible or qualified to act as a representative, unless he shall have been a citizen of one of the United States three years, and be a resident in the district, or unless he shall have resided in the district three years; and in either case, shall likewise hold in his own right, in fee simple, two hundred acres of land within the same: provided also, that a freehold in fifty acres of land in the district, having been a citizen of one of the States, and being resident in the district, or the like freehold and two years residence in the district shall be necessary to qualify a man as an elector of a representative.

The representatives thus elected, shall serve for the term of two years; and in case of the death of a representative, or removal from office, the governor shall issue a writ to the county or township, for which he was a member, to elect another in his stead, to serve for the residue of the term.

The general assembly, or legislature, shall consist of the governor, legislative council, and a house of

**SECTION 1.** *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in all cases in which by the said ordinance, any information is to be given, or communication made by the governor of the said territory to the United States in Congress assembled, or to any of their officers, it shall

Governor to make communication to the President of the U. States.

representatives. The legislative council shall consist of five members, to continue in office five years, unless sooner removed by Congress; any three of whom to be a quorum; and the members of the council shall be nominated and appointed in the following manner, to wit: As soon as representatives shall be elected, the governor shall appoint a time and place for them to meet together, and, when met, they shall nominate ten persons, residents in the district, and each possessed of a freehold in five hundred acres of land, and return their names to Congress; five of whom Congress shall appoint and commission to serve as aforesaid; and whenever a vacancy shall happen in the council, by death or removal from office, the house of representatives shall nominate two persons, qualified as aforesaid, for each vacancy, and return their names to Congress; one of whom Congress shall appoint and commission for the residue of the term. And every five years, four months at least before the expiration of the time of service of the members of council, the said house shall nominate ten persons, qualified as aforesaid, and return their names to Congress; five of whom Congress shall appoint and commission to serve as members of the council five years, unless sooner removed. And the governor, legislative council, and house of representatives, shall have authority to make laws, in all cases, for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills having passed by a majority in the house, and by a majority in the council, shall be referred to the governor for his assent; but no bill or legislative act whatever, shall be of any force without his assent. The governor shall have power to convene, prorogue and dissolve the general assembly, when in his opinion it shall be expedient.

The governor, judges, legislative council, secretary, and such other officers as Congress shall appoint in the district, shall take an oath or affirmation of fidelity, and of office; the governor before the president of Congress, and all other officers before the governor. As soon as a legislature shall be formed in the district, the council and house assembled, in one room, shall have authority, by joint ballot, to elect a delegate to Congress, who shall have a seat in Congress, with a right of debating, but not of voting during this temporary government.

And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in the said territory: to provide also for the establishment of States, and permanent government therein, and for their admission to a share in the federal councils on an equal footing with the original States, at as early periods as may be consistent with the general interest:

*It is hereby ordained and declared, by the authority aforesaid,* That the following articles shall be considered as articles of compact between the original States, and the people and States in the said territory, and forever remain unalterable, unless by common consent, to wit:

ART. I. No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship or religious sentiments, in the said territory.

ART. II. The inhabitants of the said territory, shall always be entitled to the benefits of the writ of *habeas corpus*, and of the trial by jury; of a proportionate representation of the people in the legislature, and of judicial proceedings according to the course of the common law. All persons shall be bailable, unless for capital offences, where the proof shall be evident, or the presumption great. All fines shall be moderate; and no cruel or unusual punishments shall be inflicted. No man shall be deprived of his liberty or property, but by the judgment of his peers, or the law of the land, and should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same. And in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made, or have force in the said territory, that shall in any manner whatever interfere with, or affect private contracts or engagements, *bona fide*, and without fraud previously formed.

ART. III. Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians; their land and property shall never be taken from them without their consent; and in their property, rights and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall from time to time be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

ART. IV. The said territory, and the States which may be formed therein, shall forever remain a part of this confederacy of the United States of America, subject to the articles of confederation, and to such alterations therein, as shall be constitutionally made; and to all the acts and ordinances of the United States in Congress assembled, conformable thereto. The inhabitants and settlers in the said territory, shall be subject to pay a part of the federal debts, contracted or to be contracted, and a proportional part of the expenses of government, to be apportioned on them by Congress, according to the same common rule and measure, by which apportionments thereof shall be made on the other States; and the taxes for paying their proportion, shall be laid and levied by the authority and direction of the legislatures of the district or districts or new States, as in the original States, within the time agreed upon by the United States in Congress assembled. The legislatures of those districts or new States, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the *bona fide* purchasers. No tax shall be imposed on land the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the said territory, as to the citizens of the United States, and those of any other States that may be admitted into the confederacy, without any tax, impost, or duty therefor.

be the duty of the said governor to give such information and to make such communication to the President of the United States, and the President shall nominate, and by and with the advice and consent of the Senate, shall appoint all officers which by the said ordinance were to have been appointed by the United States in Congress assembled, and all officers so appointed shall be commissioned by him; and in all cases where the United States in Congress assembled, might, by the said ordinance, revoke any commission or remove from any office, the President is hereby declared to have the same powers of revocation and removal.

Officers to be appointed by the President and Senate.

To be commissioned and removed by the President.

SEC. 2. *And be it further enacted*, That in case of the death, removal, resignation, or necessary absence of the governor of the said territory, the secretary thereof shall be, and he is hereby authorized and required to execute all the powers, and perform all the duties of the governor, during the vacancy occasioned by the removal, resignation or necessary absence of the said governor. (a)

In cases of death, removal, &c., secretary to execute the power of governor during such vacancy.

APPROVED, August 7, 1789.

CHAP. IX.—*An Act for the establishment and support of Lighthouses, Beacons, Buoys, and Public Piers.* (b)

Aug. 7, 1789.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all expenses which shall accrue from and after the fifteenth day of August,

Act of July 22, 1790, ch. 32.

ART. V. There shall be formed in the said territory, not less than three, nor more than five States; and the boundaries of the States, as soon as Virginia shall alter her act of cession, and consent to the same, shall become fixed and established as follows, to wit: The western State in the said territory, shall be bounded by the Mississippi, the Ohio and Wabash rivers; a direct line drawn from the Wabash and Post Vincents due north to the territorial line between the United States and Canada; and by the said territorial line to the Lake of the Woods and Mississippi. The middle State shall be bounded by the said direct line, the Wabash from Post Vincents to the Ohio; by the Ohio, by a direct line drawn due north from the mouth of the Great Miami, to the said territorial line, and by the said territorial line. The eastern State shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania, and the said territorial line: Provided however, and it is further understood and declared, that the boundaries of these three States shall be subject so far to be altered, that if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of lake Michigan. And whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted, by its delegates, into the Congress of the United States, on an equal footing with the original States, in all respects whatever; and shall be at liberty to form a permanent constitution and State government: Provided the constitution and government so to be formed, shall be republican, and in conformity to the principles contained in these articles; and so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than sixty thousand.

ART. VI. There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in punishment of crimes, whereof the party shall have been duly convicted: Provided always, that any person escaping into the same, from whom labour or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labour or service as aforesaid.

*Done by the United States in Congress assembled, the thirteenth day of July, in the year of our Lord one thousand seven hundred and eighty-seven, and of their sovereignty and independence the twelfth.*

WILLIAM GRAYSON, *Chairman.*

CHARLES THOMSON, *Secretary.*

(a) The States of Ohio, Indiana, Illinois, and Michigan, were, after the enactment of this law, formed out of part of "The Territory of the United States, northwest of the river Ohio," and became members of the federal Union.

OHIO was established as a State April 30, 1802. INDIANA was admitted into the Union December 11, 1816. ILLINOIS was admitted into the Union December 3, 1818. MICHIGAN was admitted into the Union January 26, 1837.

(b) See acts of July 22, 1790; act of March 3, 1791; act of March 2, 1793; act of March 2, 1795; act of May 30, 1796. Few acts have been specially passed since 1796 for the support &c. of lighthouses, &c. Provision for the same has been made in the general appropriation laws. By the 7th section of the act of May 15, 1820, "No lighthouse, beacon nor landmark shall be built or erected on any site previous to the cession of jurisdiction over the same being made to the United States."

Suits for pilotage on the high seas, and on waters navigable from the sea, as far as the tide ebbs and flows, are within the admiralty and maritime jurisdiction of the United States. The Thomas Jefferson, 10 Wheat. 428. Peyroux v. Howard, 7 Peters, 324. Hobart v. Drogan, 10 Peters, 108.



Expenses of support and repairs, after 15th Aug. 1789, to be defrayed out of the treasury of the U. States.

Provided a cession be made within one year.

[Expired.] Lighthouse to be erected near entrance of Chesapeake Bay.

Secretary of the Treasury to contract for building, repairing, &c. when necessary.

Pilots to be regulated by the existing laws of the respective States.

one thousand seven hundred and eighty-nine, in the necessary support, maintenance and repairs of all lighthouses, beacons, buoys and public piers erected, placed, or sunk before the passing of this act, at the entrance of, or within any bay, inlet, harbor, or port of the United States, for rendering the navigation thereof easy and safe, shall be defrayed out of the treasury of the United States: *Provided nevertheless*, That none of the said expenses shall continue to be so defrayed by the United States, after the expiration of one year from the day aforesaid, unless such lighthouses, beacons, buoys and public piers, shall in the mean time be ceded to and vested in the United States, by the state or states respectively in which the same may be, together with the lands and tenements thereunto belonging, and together with the jurisdiction of the same.

SEC. 2. *And be it further enacted*, That a lighthouse shall be erected near the entrance of the Chesapeake Bay, at such place, when ceded to the United States in manner aforesaid, as the President of the United States shall direct.

SEC. 3. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to provide by contracts, which shall be approved by the President of the United States, for building a lighthouse near the entrance of Chesapeake Bay, and for rebuilding when necessary, and keeping in good repair, the lighthouses, beacons, buoys, and public piers in the several States, and for furnishing the same with all necessary supplies; and also to agree for the salaries, wages, or hire of the person or persons appointed by the President, for the superintendence and care of the same.

SEC. 4. *And be it further enacted*, That all pilots in the bays, inlets, rivers, harbors and ports of the United States, shall continue to be regulated in conformity with the existing laws of the States respectively wherein such pilots may be, or with such laws as the States may respectively hereafter enact for the purpose, until further legislative provision shall be made by Congress. (a)

APPROVED, August 7, 1789.

#### STATUTE I.

Aug. 20, 1789.

[Obsolete.]

Sum appropriated.

Allowance to commissioners.

CHAP. X.—*An Act providing for the Expenses which may attend Negotiations or Treaties with the Indian Tribes, and the appointment of Commissioners for managing the same.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That a sum not exceeding twenty thousand dollars, arising from the duties on imports and tonnage, shall be, and the same is hereby appropriated to defraying the expense of negotiating and treating with the Indian tribes.

SEC. 2. *And be it further enacted*, That each of the commissioners who may be appointed for managing such negotiations and treaties, shall be entitled to an allowance, exclusive of his expenses at the place of treaty, of eight dollars per day during his actual service, to be paid out of the monies so appropriated.

APPROVED, August 20, 1789.

(a) By the 2d section of the act of May 8, 1792, pilots are exempted from militia duty. By "an act concerning pilots," passed March 2, 1837, pilots on the waters which are the boundary of two States, may be licensed by either State, and may be employed by any vessel going into or out of any port situated on such waters.

CHAP. XI.—*An Act for Registering and Clearing Vessels, Regulating the Coasting Trade, and for other purposes.*(a)

STATUTE I.

Sept. 1, 1789.

What ships or vessels may be registered.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any ship or vessel built within the United States, and belonging wholly to a citizen or citizens thereof, or not built within the said States, but on the sixteenth day of May, one thousand seven hundred and eighty-nine, belonging, and thereafter continuing to belong wholly to a citizen or citizens thereof, and of which the master is a citizen of the United States, and no other, may be registered in manner hereinafter provided, and being so registered, shall be deemed and taken to be, and denominated, a ship or vessel of the United States, and entitled to the benefits granted by any law of the United States, to ships or vessels of the descriptions aforesaid.

SEC. 2. *And be it further enacted,* That the person or persons claiming property in any such ship or vessel, in order to entitle her to the benefits aforesaid, shall cause the same to be registered, and shall obtain a certificate of such registry from the collector of the district to which such ship or vessel belongs, in manner hereinafter directed, which certificate, attested by the Secretary of the Treasury, under his hand and seal, and countersigned by the collector, shall be in the form following, viz :

Persons registering to obtain a certificate.

Form of the certificate.

"In pursuance of an act of the Congress of the United States of America, intituled An act for registering and clearing vessels, regulating the coasting trade, and for other purposes, [here insert the name, occupation and residence of the subscribing owner] having taken and subscribed the oath or affirmation required by the said act, and having sworn or affirmed, that he, together with [names, occupation and residence of non-subscribing owners] is (or are) sole owner (or owners) of the ship (or vessel) called the [ship's name] of [place to which the ship or vessel belongs] whereof [master's name] is at present master, and is a citizen of the United States, and that the said ship (or vessel) was [when and where built] and [name of surveying officer] having certified to us, that the said ship, or vessel, has [number of decks] and masts, that her length is , her breadth , her depth , and that she measures tons, that she is [here describe the vessel and how built], has gallery and head; and the said subscribing owners having consented and agreed to the above description and measurement, and having caused sufficient security to be given as is required by the said act, the said [kind of vessel and name] has been duly registered at the port of Given under our hands and seals of office, at [port] this day of , in the year [words at full length.] And the collector shall transmit to the Secretary of the Treasury a duplicate of every such certificate so granted. And it shall be the duty of the Secretary of the Treasury to transmit to the collectors of the several ports of the United States, a sufficient number of certificates attested under his hand and seal, leaving the blanks to be filled up by the collectors respectively.

Rule for ascertaining the tonnage of ships or vessels.

SEC. 3. *And be it further enacted,* That to ascertain the tonnage of all ships or vessels, the surveyor or other person appointed by the collector to measure the same, shall take the length of every vessel, if double decked, from the fore part of the main stem to the after part of the stern post above the upper deck, the breadth at the broadest part above the main wales, and half such breadth shall be accounted the depth of every double decked vessel; he shall then deduct from the

(a) This act was "explained and amended" by an act passed September 29, 1789; and was, by the 30th section of the act of December 31, 1792, repealed.

length three fifths of the breadth, multiply the remainder by the breadth, and the product by the depth, dividing the product of the whole by ninety-five, the quotient shall be deemed the true contents or tonnage of such ship or vessel. To ascertain the tonnage of every single decked vessel, he shall take the length and breadth, as is directed to be taken for double decked vessels, and deduct three fifths in like manner, and the depth from the under side of the deck plank to the ceiling in the hold, and shall multiply and divide as aforesaid, and the quotient shall be deemed the true contents or tonnage of such single decked vessel.

The port to which registered ships or vessels belong ascertained, and the name painted on stern.

Vessels of citizens residing in foreign countries not entitled to register but in certain cases.

No registry to be made or certificate granted until an oath be taken.

Form of the oath.

Certificates of registry may be granted in one district, the owners residing in another.

SEC. 4. *And be it further enacted*, That the port to which any such ship or vessel shall be deemed to belong, agreeably to the intent and meaning of this act, shall be the port at or near which the husband or acting and managing owner or owners of such ship or vessel usually resides or reside; and the name of such ship or vessel, and of the place to which she belongs shall be painted on her stern, on a black ground with white letters of not less than three inches in length.

SEC. 5. *And be it further enacted*, That no ship or vessel owned in whole or in part by any citizen of the United States, usually residing in any foreign country, shall, during the time he shall continue so to reside, be deemed a vessel of the United States, entitled to be registered by virtue of this act, unless he be an agent for, and partner in, some house or co-partnership, consisting of citizens of the United States, actually carrying on trade in the said States.

SEC. 6. *And be it further enacted*, That no registry shall be made or certificate granted, until the following oath or affirmation be taken and subscribed, before the officer herein before authorized to make such registry and grant such certificate, (which oath or affirmation such officer is hereby empowered to administer) by the owner of such ship or vessel, if owned by one person only, or in case there shall be two or more owners, then by any one of such owners; namely,

"I, \_\_\_\_\_, of [place of residence and occupation] do swear or affirm, that the ship or vessel \_\_\_\_\_ of [take the description from the certificate of the surveyor or other person authorized by this act] was built at \_\_\_\_\_ in the year \_\_\_\_\_ or was the entire property of \_\_\_\_\_ on the sixteenth day of May, one thousand seven hundred and eighty-nine, and hath continued to be the property of a citizen or citizens of the United States, that \_\_\_\_\_, the present master, is a citizen of the United States, and that I,

and [the other owners' names, occupation, and where they respectively reside, viz : town, place, county and state, or if resident in a foreign country, being an agent for, and partner in, any house or co-partnership] am or are sole owner or owners of the said ship or vessel, and that no other person whatever hath any property therein, and that I, the said \_\_\_\_\_, [and the said owners, if any] am or are truly a citizen or citizens of the United States, and that no foreigner, directly or indirectly, hath any part or interest in the said ship or vessel."

SEC. 7. *Provided always, and be it further enacted*, That whenever the owner or owners of such ship or vessel, usually resides or reside out of the district within which such ship or vessel may be at the time of granting the certificate of registry, that such owner, or where there are two or more owners, any one of them may take and subscribe the said oath or affirmation, before the collector of the district within which he usually resides, omitting in the said oath or affirmation the description of such ship or vessel, as expressed in the certificate of the surveyor, and inserting in lieu thereof, the name of the port and district within which such ship or vessel may then be; and the collector before whom such oath or affirmation may be taken and subscribed, shall transmit the same to the collector of the district where such ship or vessel may be,

upon the receipt whereof the said collector shall proceed to register such ship or vessel, in like manner as though the usual and regular oath or affirmation had been taken and subscribed before him.

SEC. 8. *And be it further enacted*, That the surveyor or other person, to be appointed in pursuance of this act, shall, previous to the registering or granting of any certificate of registry, as aforesaid, examine and measure such ship or vessel, as to all and every particular contained in the form of the certificate aforesaid, in the presence of the master, or of any other person to be appointed for that purpose on the part of the owner or owners, and shall deliver a just and true account in writing of the built, description, and measurement of every such ship or vessel as are specified in the form of the certificate above recited, to the person authorized as aforesaid, to make such registry and grant such certificate thereof; and the said master or other person attending on the part of the owner or owners, is hereby required to sign his name also to the certificate of the surveying or examining officer, or other person duly appointed, in testimony of the truth thereof, provided such master or other person, shall agree to the several particulars therein set forth and described.

Surveyor to measure vessels in presence of master, or other person, on the part of the owners.

SEC. 9. *And be it further enacted*, That when the certificate of registry aforesaid shall be granted, sufficient security by bond, shall be given to the collector in behalf of the United States, by the master and owner or owners, or by some other person or persons on his, her, or their behalf, such security to be approved of by the collector, in the penalties following, that is to say: if such ship or vessel shall be above the burthen of fifteen, and not exceeding fifty tons, in the penalty of four hundred dollars, if exceeding the burthen of fifty tons, and not exceeding one hundred tons, in the penalty of eight hundred dollars, if exceeding the burthen of one hundred tons, and not exceeding two hundred tons, in the penalty of twelve hundred dollars, if exceeding the burthen of two hundred tons, and not exceeding three hundred tons, in the penalty of sixteen hundred dollars, and if exceeding the burthen of three hundred tons, in the penalty of two thousand dollars. And the condition of every such bond shall be, that such certificate shall not be sold, lent or otherwise disposed of to any person or persons whomsoever, and that the same shall be solely used for the ship or vessel to which it is granted, and that in case such ship or vessel shall be lost or taken by an enemy, burnt or broken up, or otherwise prevented from returning to the port to which she belongs, the certificate, if preserved, shall be delivered up within three months after the arrival of the master in any port or place in the United States, to the collector of the district where he shall arrive; and that if any foreigner, or any person or persons for his use and benefit, shall purchase or otherwise become entitled to the whole or any part or share of, or interest in such ship or vessel, and the same shall be within any district of the United States, in such case the certificate of registry shall, within seven days after such purchase or transfer of property in such ship or vessel, be delivered up to the collector of the said district; and in case such ship or vessel shall be in any foreign port or place, or at sea, when such transfer of interest or property shall take place, the said master shall, within eight days after his arrival in any port or place within the United States, deliver up the said certificate to the collector of the district where he shall arrive; and all the certificates so delivered up, shall be forthwith transmitted by the collector to the Secretary of the Treasury to be cancelled.

Master, &c. to give bond not to dispose of certificate of registry.

In cases of transfer to foreigners, certificate of registry to be delivered up.

SEC. 10. *And be it further enacted*, That whenever any ship or vessel registered in conformity with this act, shall in whole or in part be sold or transferred to a citizen or citizens of the United States, the former certificate of registry shall be delivered up to the collector, and by him without delay transmitted to the Secretary of the Treasury to be can-

Vessel to be registered anew when vessel sold.

celled, and such ship or vessel shall be registered anew by her former name, and a certificate thereof shall be granted by the collector, in like manner as is herein before directed.

A recital of certificate to be made in instruments of transfer.

SEC. 11. *And be it further enacted*, That whenever any such ship or vessel shall in whole or in part be sold or transferred to any person or persons, the certificate of the registry of every such ship or vessel, shall be recited at length in the instrument of transfer or sale thereof, and in default thereof, such instrument of sale or transfer shall be void; and such ship or vessel shall not be deemed or denominated a ship or vessel entitled to any of the benefits or advantages of a ship or vessel of the United States.

Master of a vessel being changed, collector shall endorse it on certificate.

SEC. 12. *And be it further enacted*, That whenever the master or other person having the charge or command of any ship or vessel registered in manner herein before directed, shall be changed, the master or owner of such ship or vessel shall deliver to the collector of the district where such change shall take place, the certificate of registry of such ship or vessel, who shall thereon endorse and subscribe a memorandum of such change, and forthwith give notice of the same to the collector of the district where such ship or vessel was last registered pursuant to this act, who shall likewise make a memorandum of the same in the book of registers, and transmit a copy thereof to the Secretary of the Treasury.

In cases of loss of certificate, the master to make oath.

SEC. 13. *And be it further enacted*, That if the certificate of registry of any ship or vessel shall be lost or destroyed, the master or other person having charge of the said ship or vessel, may make oath or affirmation before the collector of the district where such ship or vessel may arrive, who is hereby authorized to administer the same in the words and form following:

Form of the oath.

"I, \_\_\_\_\_ being master, or having charge of the ship or vessel called the \_\_\_\_\_ do swear or affirm, that the said ship or vessel hath been, as I verily believe, registered according to law by the name of \_\_\_\_\_ and that a certificate thereof was granted at the port of \_\_\_\_\_ but that the same is lost or destroyed (as the case may be) and that the same, if found again, and comes again within my power, shall be delivered up to the collector of the port where it was granted; and that the master of said ship or vessel is a citizen of the United States; and that the said ship or vessel is, as I believe, the entire property of a citizen or citizens of the United States; and that no foreigner has, to my knowledge and belief, any property or interest therein;" and the said oath or affirmation shall be filed in the office of the said collector before whom it was made, who is hereby required to register the said vessel anew by her former name, and take the security in manner herein before directed, and deliver the certificate of such registry to the owner or owners, if residing within his district, or if not resident there, to the master or other person having charge of said ship or vessel, that such certificate of registry is granted in pursuance of this act, instead of a former certificate of registry, which appears by such proof as this act requires, to be lost; and such certificate of registry shall have the same effect with the original, and the said collector shall, within three months, transmit a duplicate of the said certificate to the Secretary of the Treasury, to be registered in his office, who shall notify the collector who granted the certificate which was lost or destroyed, of the same, who is hereby required to cause a memorandum thereof to be made in his book of registers.

Collector to register the vessel anew by her former name.

Registered ships or vessels being altered, to be registered anew.

SEC. 14. *And be it further enacted*, That if any ship or vessel, after having been registered in pursuance of this act, shall in any manner whatever, be altered in form or burthen, by being lengthened or built upon, or from one denomination to another, by the mode or method of rigging or fitting, in such case, such vessel shall be registered anew by her former name in manner herein before directed, as soon as she re-

turns to the port to which she belongs, or to any other port in which she may be lawfully registered by virtue of this act, otherwise such ship or vessel shall not be deemed and considered as a ship or vessel of the United States.

SEC. 15. *And be it further enacted*, That the collector of every district where registers shall be made and certificates granted in pursuance of this act, shall progressively number the same as they shall be severally granted, beginning at the time when this act shall be in force, and continuing to the end of the present year, and thenceforth beginning at the commencement of every year, and shall enter an exact copy of every such certificate with the number thereof, in a book to be kept for that purpose, and shall within three months transmit to the Secretary of the Treasury, a true copy, together with the number of every certificate which shall be by him so granted.

Manner of  
numbering re-  
gisters.

SEC. 16. *And be it further enacted*, That every ship or vessel built in the United States after the fifteenth day of August, one thousand seven hundred and eighty-nine, and belonging wholly or in part to the subjects of foreign powers, shall be recorded in the office of the collector of the district in which such ship or vessel was built, in manner following, that is to say: The builder of every such ship or vessel shall make oath or affirmation before the collector of such district, who is hereby authorized to administer such oath in manner following: I,

Vessels built in  
U. S. after Aug.  
15, 1789, and  
owned by fo-  
reigners, to be  
recorded:  
builder to make  
oath.

Form of the  
oath.

of [here insert the place of residence, county and state]  
shipwright, do swear, or affirm, that [here designate the kind of vessel]  
named having [number of decks] and being in  
length in breadth in depth  
and measuring tons,  
having gallery and head,  
was built by me, or under my direction, at [place, county and state] in  
the United States, in the year which oath or  
affirmation shall be recorded in manner herein before directed, in a book  
to be kept for that purpose.

The oath to  
be recorded.

SEC. 17. *And be it further enacted*, That a certificate of the said record, attested under the hand and seal of the collector of the district as aforesaid, shall be granted to the master of every such ship or vessel, in manner following: In pursuance of an act entitled, "An act

Collector to  
grant certificate  
of record.

I, collector of the  
district of in the United States, do certify, that  
the builder [name] of [place of residence, county and state] having  
sworn or affirmed, that the ship or vessel [here designate the kind of  
vessel] named whereof is  
at present master was built at [place, county and state where built] by  
him or under his direction, in the year and [here  
insert the name of the surveyor, or other person appointed by the col-  
lector, where there is no surveyor] having certified that the said ship or  
vessel has [numbers of decks,] is in length in  
breadth in depth and  
measures tons; and the said builder and master  
having agreed to the said description and measurement, the said ship or  
vessel has been recorded in the district of in the  
United States. Witness my hand and seal this  
day of in the year," which  
certificate shall be recorded in the office of the collector, and a duplicate  
thereof transmitted to the Secretary of the Treasury of the United States,  
to be recorded in his office.

Form of the  
certificate.

SEC. 18. *And be it further enacted*, That the surveyor or other person to be appointed by the collector as aforesaid, is hereby required to deliver a true account in writing, signed with his name, of the built, description, and measurement of every such ship or vessel, as specified

Surveyor and  
master to give a  
description of  
vessel to the  
collector.

in the form of the said certificate of record, of such ships or vessels, which account shall also be signed by the master, to the collector of the district where such certificate of the record shall be granted.

Vessel's name or master being changed, certificate to be endorsed, otherwise not deemed as recorded.

SEC. 19. *And be it further enacted*, That if the master or the name of any ship or vessel so recorded shall be changed, the owner, part owner or consignee of such ship or vessel shall cause a memorandum thereof to be endorsed on the certificate of the record, by the collector of the district where such ship or vessel may be, or at which she shall arrive, if such change took place in a foreign country, and a copy thereof shall be entered in the book of records, a transcript whereof shall be transmitted by the collector to the collector of the district where such certificate was granted, who shall enter the same in his book of records, and forward a duplicate of such entry to the Secretary of the Treasury of the United States; and in such case, until the said owner, part owner or consignee shall cause the said memorandum to be made by the collector in manner aforesaid, such ship or vessel shall not be deemed or considered as a vessel recorded in pursuance of this act.

Master to produce certificate of record to collector.

SEC. 20. *And be it further enacted*, That the master or other person having command of any ship or vessel recorded in pursuance of this act, shall on entry of such ship or vessel produce the certificate of such record, to the collector of the district, in failure of which the said ship or vessel shall not be entitled to the privileges of a vessel recorded as aforesaid.

Penalties and forfeitures, how sued for.

SEC. 21. *And be it further enacted*, That all the penalties and forfeitures inflicted and incurred by this act, shall, and may be sued for, prosecuted and recovered in such courts, and be disposed of in such manner as any penalties or forfeitures inflicted, or which may be incurred for any offence committed against the United States, in and by an act, entitled, "An act to regulate the collection of the duties imposed by law, on the tonnage of ships or vessels, and on goods, wares and merchandises, imported into the United States," may legally be sued for, prosecuted, recovered and disposed of.

Act of July 31, 1789, ch. 5.

Vessels of 20 tons or upwards employed between district and district, or in the bank or whale fisheries, their privileges.

SEC. 22. *And be it further enacted*, That from and after the tenth day of September next, every ship or vessel of the burthen of twenty tons or upwards, built within the United States, and wholly owned by a citizen or citizens thereof; or not built within the United States, and on the sixteenth day of May, one thousand seven hundred and eighty-nine, wholly owned and thereafter continuing to be owned by a citizen or citizens of the United States, but not registered, if destined from district to district, or to the bank or whale fisheries, shall, in order to be entitled to all the privileges of a ship or vessel belonging to the United States, employed in the coasting trade or in the fisheries, be enrolled by the collector of the district where the owner, or one of the owners of such vessel may reside, and every vessel so enrolled, shall have her name and the name of the place to which she belongs painted on her stern, in manner directed by this act, for registered vessels, and such collector on due proof by oath or affirmation to him made by the owner or one of the owners of such ship or vessel of her name, burthen and denomination, and that she is of the description aforesaid, and of the names of the owner or owners, and of the master thereof, and that they are citizens of the United States, and of the place or places of residence of such owner or owners, shall enroll in a book to be kept for that purpose, the name of every such vessel, her burthen, where built, and denomination, the name or names, and place or places of residence of the owner or owners thereof, and that he or they, together with the master, are citizens of the United States, a description of the built of such vessel as aforesaid, and the date of the enrolment, and shall also grant to the owner or owners, a certificate, containing a copy of such enrolment, and transmit to the secretary of the treasury a copy of every such

Name to be painted on the stern.

Collector, upon owner's making oath of the name, &c., to enrol the same and grant a certificate.

certificate of enrolment, to be by him recorded: and whenever the property of such ship or vessel shall be changed in whole or in part, the person or persons who shall then be owner or owners, or one of them, shall make known such change to the collector of the district where he or they may reside, and such collector is hereby authorized and directed to grant a new certificate of the enrolment of such ship or vessel by her former name, to such owner or owners, upon his or their delivering up the former certificate, which shall be sent to the office of the collector from whence it was issued, to be cancelled: *Provided*, That the master or owner of every vessel of less than twenty tons burthen, and not less than five tons, which shall be employed between any of the districts in the United States, shall cause the name of such vessel and of the place to which she belongs, to be painted on her stern in manner directed by this act for registered vessels, and shall annually procure a license from the collector of the district to which such vessel belongs, who is hereby authorized to give the same, purporting that such vessel is exempt from clearing and entering for the term of one year from the date thereof; and the master or owner of every such vessel shall give bond with sufficient security for the payment of two hundred dollars to the United States, with condition that such vessel shall not be employed in any illicit trade or commerce; and before any new license shall be given for a succeeding year to the master of such vessel, he shall on oath or affirmation, declare that no illicit trade has been carried on in such vessel to his knowledge or belief during the time for which she was licensed.

Vessels between twenty and five tons, name to be painted on the stern, and license granted by collector for one year to exempt them from clearing and entering.

SEC. 23. *And be it further enacted*, That the master, commander or owner of every ship or vessel of the burthen of twenty tons or upwards, to be employed in trade between different districts in the United States, and of every vessel to be employed in the bank or whale fisheries, having a certificate of registry or enrolment, as is herein directed, shall, upon application to the collector of the district where such vessel may lie, be entitled to receive a license to trade between the different districts in the United States, or to carry on the bank or whale fishery for one year, and it shall be the duty of the collector to grant the same; but no license shall be granted for any vessel until the owner or owners applying therefor, shall have paid the tonnage duty thereon, and shall enter into bond, with sufficient security, for the payment of one thousand dollars to the United States, with condition, that such vessel shall not within the time for which such license was granted, be employed in any illicit trade or commerce: and if any vessel of the burthen of twenty tons or upwards, not having a certificate of registry or enrolment, and a license, shall be found trading between different districts, or be employed in the bank or whale fisheries, every such ship or vessel shall be subject to the same tonnage, and fees, as foreign ships or vessels.

Vessels of twenty tons or upwards, registered or enrolled, entitled to a license for one year.

SEC. 24. *And be it further enacted*, That the master or commander of every ship or vessel bound to any foreign port, shall deliver to the collector of the district where such ship or vessel may be, a manifest of the cargo on board such ship or vessel, and on making oath or affirmation to the truth thereof, it shall be the duty of the said collector, to grant a clearance for such ship or vessel, and her loading; and if any ship or vessel bound to any foreign port, shall depart from the place of her loading without such clearance, the master, commander, consignee, or owner thereof, shall forfeit and pay the sum of two hundred dollars for every such offence.

Masters of vessels outward bound to deliver a manifest and obtain a clearance.

Penalty for sailing without.

SEC. 25. *And be it further enacted*, That the master of every ship or vessel of the burthen of twenty tons or upwards, licensed to trade between the different districts of the United States, having on board goods, wares or merchandise of foreign growth or manufacture, of the value of two hundred dollars, or rum or other ardent spirits exceeding four hundred

Masters of vessels of twenty tons or upwards trading from district to district, and having certain goods, to deliver two manifests.



And make  
oath thereto.

Collector to  
return one man-  
ifest and grant  
a permit.

Goods trans-  
ported from and  
to Philadelphia  
and Baltimore,  
across the state  
of Delaware, to  
be accompanied  
with a manifest.

Vessels li-  
censed may pro-  
ceed from dis-  
trict to district  
without mani-  
fest or permit.

Or having on  
board goods &c.  
of the growth or  
manufacture of  
the U. States  
and bound to a  
district in any  
other than an  
adjoining State,  
the master must  
deliver dupli-  
cate manifests,  
&c.

On oath, and  
obtain a permit.

gallons, and being bound from one district to another, shall deliver to the collector, and where the collector and surveyor reside at different places within the same district, to the collector or surveyor, as the one or the other may reside at or nearest to the port where such ship or vessel may be, duplicate manifests of the whole cargo on board such ship or vessel, whether such cargo shall consist wholly of goods, wares or merchandise of foreign growth or manufacture, or partly of such goods, wares or merchandise, and partly of goods, wares, or merchandise, the growth or manufacture of the United States, specifying therein the name and place of residence of every shipper and consignee, together with the quantity of goods, wares or merchandise shipped by and to each; and upon the oath or affirmation of the said master before the said collector or surveyor to the truth of such manifest, and that he doth not know, and hath no reason to believe that the revenue of the United States has been defrauded of any part of the duties imposed by law upon the importations of any of the goods, wares or merchandise contained in the said manifest, it shall be the duty of such collector or surveyor to return to the said master one of the said manifests, first certifying thereon that the same had been sworn or affirmed to, and delivered to him according to law, and also to grant to the said master a permit authorizing such ship or vessel to proceed to the place of her destination.

*So always and provided,* That where goods, wares, or merchandises of foreign growth or manufacture, are to be transported to and from the respective ports of Philadelphia and Baltimore unto each other, through and across the state of Delaware, a manifest certified as aforesaid by the officers of that one of the said ports from whence the same goods, wares or merchandises are to be so transported, shall be sufficient to warrant the transportation thereof to the other of the said ports, without an intermediate entry in the district of Delaware.

*Provided always,* That no master of any ship or vessel, licensed to trade as aforesaid, having on board goods, wares or merchandise of the growth, or manufacture of the United States only, rum and other ardent spirits exceeding four hundred gallons excepted, and being bound from one district to another in the same state, or from a district in one state to a district in the next adjoining state, shall be obliged to deliver duplicate manifests, or to apply for a permit as aforesaid; but any such master may in such case lawfully proceed to any other district in the same state, or in the next adjoining state, freely and without interruption.

SEC. 26. *And be it further enacted,* That the master of every ship or vessel of the burthen of twenty tons or upwards, licensed to trade as aforesaid, having on board goods, wares or merchandise of the growth or manufacture of the United States only, and being bound from a district in one state to a district in any other than an adjoining state, shall deliver to the collector, or where the collector and surveyor reside at different places within the same district, to the collector or surveyor as the one or the other may reside at or nearest to the port where such ship or vessel may be, duplicate manifests of the whole cargo on board such ship or vessel, specifying therein the name and place of residence of every shipper and consignee, together with the quantity of goods, wares or merchandise shipped by and to each: and upon the oath or affirmation of the said master, before the said collector or surveyor, to the truth of such manifest, it shall be the duty of such collector or surveyor to return to the said master one of the said manifests, first certifying thereon, that the same had been sworn or affirmed to and delivered to him according to law; and also to grant to the said master a permit, authorizing such ship or vessel to proceed to the place of her destination.

SEC. 27. *And be it further enacted,* That the master of every ship or vessel of the burthen of twenty tons or upwards, licensed to trade as aforesaid, not having on board rum or other ardent spirits, exceeding four hundred gallons, and arriving from one district to another in the same state, or from a district in one state to a district in the next adjoining state, with goods, wares or merchandise, of the growth or manufacture of the United States only, shall, within twenty-four hours, Sundays excepted, next after his arrival at any place or port where a collector or surveyor resides, and before any part of the cargo on board such ship or vessel be landed or unloaded, deliver to such collector or surveyor a manifest thereof, and shall make oath or affirmation before such collector or surveyor, that such manifest contains a true account of all the goods, wares and merchandise on board such ship or vessel, and thereupon shall receive from such collector or surveyor a permit to land or unload the same.

Arriving at the district to which bound, must deliver a manifest, make oath, and receive a permit.

SEC. 28. *And be it further enacted,* That in all other cases the master of every vessel of the burthen of twenty tons or upwards, licensed to trade as aforesaid, shall within twenty-four hours, Sundays excepted, next after his arrival at any port or place within the United States, where a collector or surveyor resides, and before any part of the cargo on board any such ship or vessel be landed or unloaded, deliver to such collector or surveyor the manifest thereof, authenticated before and received from the collector or surveyor of the port or place where the said cargo was taken on board, together with his permit to depart from the place of lading, whereupon it shall be the duty of such collector or surveyor to grant a permit to land or unload such cargo.

In all other cases master of licensed vessel to deliver a manifest and permit from the collector or surveyor where the cargo was taken on board.

SEC. 29. *And be it further enacted,* That if the master of any ship or vessel, of the burthen of twenty tons or upwards, licensed to trade as aforesaid, and having on board goods, wares or merchandise, of the value of two hundred dollars or upwards, shall depart with the said ship or vessel from any port, with intent to go to another district, without such manifest and permit, except as is herein after provided, the master or owner of such ship or vessel shall forfeit and pay the sum of four hundred dollars for every such offence; and all goods, wares and merchandise, of the value of two hundred dollars or upwards, which shall be found on board any such ship or vessel after her departure from the port where the same were taken on board, without being contained in, and accompanied with such manifest as is herein before directed, except as is herein after excepted, shall be subject to seizure and forfeiture.

Penalty on departing without manifest and permit.

*Provided always,* That nothing herein contained shall be construed to subject the master or owner of any ship or vessel licensed to trade as aforesaid, having on board goods, wares and merchandise of the growth and manufacture of the United States only, rum and other ardent spirits exceeding four hundred gallons, excepted, and bound from district to district in the same state, or from a district in one state to a district in the next adjoining state, to any penalty for having departed from the port of loading without such permit and manifest, or to subject the said goods on board such ship or vessel to seizure or forfeiture, in case they are not accompanied with a manifest as aforesaid.

Proviso.

SEC. 30. *And be it further enacted,* That if any ship or vessel having a license to trade or fish, for one year, shall within that time be destined to any foreign port, the master or commander of every such ship or vessel shall, before he departs from the United States, deliver such license to the collector of the port from whence he intends to depart; and it shall be the duty of such collector forthwith to transmit the license to him so delivered, to the collector of the district where the same was granted, who shall thereupon cancel every license; and if any master or commander shall neglect or refuse to deliver up such license

Master of a licensed vessel bound to a foreign port must deliver up his license.

before he depart from the United States, he shall forfeit and pay the sum of one hundred dollars for every such neglect or refusal.

Fees and allowances for the duties prescribed by this act.

SEC. 31. *And be it further enacted*, That the fees and allowances for the several duties to be performed in virtue of this act, and the distribution of the same, shall be as follows, to wit:—

For the first register or certificate of record granted for every ship or vessel, there shall be paid to the collector granting the same, the sum of two dollars.

For every subsequent one, one dollar and fifty cents.

For every certificate of enrolment, fifty cents.

For every license to trade between the different districts of the United States, or to carry on the bank or whale fishery for one year, fifty cents.

For every entry of inward cargo directed to be made in conformity with this act, and for receiving of, and qualifying to every manifest of vessels licensed to trade as aforesaid, sixty cents.

For a permit to land goods of foreign growth or manufacture, twenty cents.

For every permit to proceed to the place of destination, twenty-five cents.

And for taking every bond required by this act, twenty cents.

How to be distributed.

The whole amount of which fees shall be accounted for by the collector, and where there is a collector, naval officer and surveyor, shall be equally divided between the said officers, and where there is no naval officer, between the collector and surveyor, and where there is only a collector, he shall receive the whole amount thereof, and where there is more than one surveyor in any district, each of them shall receive his proportionable part of such fees as shall arise in the port for which he is appointed. *Provided always*, That in all cases where the tonnage of any ship or vessel shall be ascertained by any person specially appointed for that purpose, as is herein before directed, that such person shall be allowed and paid by the collector a reasonable compensation for the same, out of the fees aforesaid, before any distribution thereof as aforesaid.

Naval officers to sign all official documents.

SEC. 32. *And be it further enacted*, That in every case where the collector is by this act directed to grant any license, certificate, permit or other document, the naval officer, if there be one residing at the port, shall sign the same.

In cases of forfeiture of goods or vessel, name of owner or consignee to be advertised.

SEC. 33. *And be it further enacted*, That in every case where a forfeiture of any ship or vessel, or of any goods, wares or merchandise shall accrue, it shall be the duty of the collector or other proper officer, who shall give notice of the sale of such ship or vessel, or of such goods, wares or merchandise, to insert in the same advertisement, the name or names, and the place or places of residence of the person or persons, to whom any such ship or vessel, goods, wares or merchandise, belonged or were consigned at the time of such seizure.

Penalties for offences against this act.

SEC. 34. *And be it further enacted*, That every collector who shall knowingly make any false registry, record, or enrolment of any ship or vessel; and every officer or person appointed as is herein provided, who shall make any false record, or grant any false certificate, or any document whatever, in any manner that shall not be herein prescribed, or that shall be contrary to the true intent and meaning of this act, or shall take any other or greater fees than are by this act allowed, or receive any other reward or gratuity, contrary to the provisions of this act; and every surveyor, or other person appointed to measure ships or vessels, who shall wilfully deliver to any collector or naval officer, a false description of any ship or vessel to be registered, recorded or enrolled, in pursuance of this act, shall, upon conviction of any such neglect or offence,

forfeit the sum of one thousand dollars, and be rendered incapable of serving in any office of trust or profit under the United States; and if any person or persons, authorized and required by this act, in respect of his or their office, or offices, to perform any act or thing required to be done or performed, pursuant to any of the provisions of this act, and wilfully neglecting or refusing to do or perform the same, according to the true intent and meaning of this act, shall, on being duly convicted thereof, if not subject to the penalty and disqualification aforesaid, forfeit the sum of five hundred dollars for the first offence, and a like sum for the second offence, and shall from thence forward be rendered incapable of holding any office of trust or profit under the United States.

SEC. 35. *And be it further enacted*, That if any certificate of registry, record, or enrolment, shall be fraudulently used for any ship or vessel, not entitled to the same by this act, such ship or vessel shall be forfeited to the United States, with her tackle, apparel and furniture.

Certificate of registry, &c. fraudulently used, ship or vessel forfeited. Farther penalties for offences against this act.

SEC. 36. *And be it further enacted*, That if any person or persons shall falsely make oath or affirmation to any of the matters herein required to be verified, such person or persons shall suffer the like pains and penalties, as shall be incurred by persons committing wilful and corrupt perjury; and that if any person or persons shall forge, counterfeit, erase, alter or falsify, any certificate, register, license, permit or other document, mentioned in this act, or to be granted by any officer of the customs, such person or persons shall, for every such offence, forfeit the sum of five hundred dollars.

SEC. 37. *And whereas*, By an act intituled, "An act for laying a duty on goods, wares and merchandises imported into the United States," it is provided, That there shall be allowed or paid five cents on every quintal of dried fish, and on every barrel of pickled fish, and of salted provisions exported from the United States to any country without the limits thereof, in lieu of the drawback of the duties imposed on the importation of the salt employed and expended therein, and there are now large quantities of salt within the United States, imported before any duties were laid for the use of the said States:

No allowance on exportation of dried or pickled fish, or salted provision prior to the last day of May, 1790.

Act of July 4, 1789, ch. 2, sec. 4.

*Be it enacted*, That no allowance shall be made by any collector, for any dried or pickled fish, or for any salted provisions, which shall be exported from the United States prior to the last day of May, one thousand seven hundred and ninety.

APPROVED, September 1, 1789.

## STATUTE I.

Sept. 2, 1789.

### CHAP. XII.—*An Act to establish the Treasury Department.*(a)

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there shall be a Department of Treasury, in which shall be the following officers, namely: a Secretary of the Treasury, to be deemed head of the department; a Comptroller, an Auditor, a Treasurer, a Register, and an Assistant to the Secretary of the Treasury, which assistant shall be appointed by the said Secretary.

Department designated.

Officers: Secretary, Comptroller, Auditor, Treasurer, Register, Assistant to Secretary.

Duties of the Secretary.

SEC. 2. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to digest and prepare plans for the improvement and management of the revenue, and for the support of public credit; to prepare and report estimates of the public revenue, and the public expenditures; to superintend the collection of the revenue; to decide on the forms of keeping and stating accounts and making re-

(a) The acts, in addition to this act which have been passed relating to the Treasury Department, have been: act of March 3, 1791; act of May 8, 1792; act of March 3, 1809, chap. 28; act of November 22, 1814; act of March 3, 1817, chap. 45; act of February 24, 1819, chap. 43; act of May 1, 1820, chap. 50; act of May 15, 1820, chap. 107.

turns, and to grant under the limitations herein established, or to be hereafter provided, all warrants for monies to be issued from the Treasury, in pursuance of appropriations by law; to execute such services relative to the sale of the lands belonging to the United States, as may be by law required of him; (a) to make report, and give information to either branch of the legislature, in person or in writing (as he may be required), respecting all matters referred to him by the Senate or House of Representatives, or which shall appertain to his office; and generally to perform all such services relative to the finances, as he shall be directed to perform.

Duties of the  
Comptroller.

SEC. 3. *And be it further enacted*, That it shall be the duty of the Comptroller to superintend the adjustment and preservation of the public accounts; to examine all accounts settled by the Auditor, and certify the balances arising thereon to the Register; to countersign all warrants drawn by the Secretary of the Treasury, which shall be warranted by law; to report to the Secretary the official forms of all papers to be issued in the different offices for collecting the public revenue, and the manner and form of keeping and stating the accounts of the several persons employed therein. He shall moreover provide for the regular and punctual payment of all monies which may be collected, and shall direct prosecutions for all delinquencies of officers of the revenue, and for debts that are, or shall be due to the United States. (b)

Act of March  
3, 1809, ch. 28,  
sec. 2.

Duties of the  
Treasurer.

SEC. 4. *And be it further enacted*, That it shall be the duty of the Treasurer to receive and keep the monies of the United States, and to disburse the same upon warrants drawn by the Secretary of the Treasury, countersigned by the Comptroller, recorded by the Register, and not otherwise; he shall take receipts for all monies paid by him, and all receipts for monies received by him shall be endorsed upon warrants signed by the Secretary of the Treasury, without which warrant, so signed, no acknowledgment for money received into the public Treasury shall be valid. And the said Treasurer shall render his accounts to the Comptroller quarterly, (or oftener if required,) and shall transmit a copy thereof, when settled, to the Secretary of the Treasury. He shall moreover, on the third day of every session of Congress, lay before the Senate and House of Representatives, fair and accurate copies of all accounts by him from time [to time] rendered to, and settled with the Comptroller as aforesaid, as also, a true and perfect account of the state of the Treasury. He shall, at all times, submit to the Secretary of the Treasury, and the Comptroller, or either of them, the inspection of the monies in his hands; and shall, prior to the entering upon the duties of his office, give bond, with sufficient sureties, to be approved by the Secretary of the Treasury and Comptroller, in the sum of one hundred and fifty thousand dollars, payable to the United States, with condition for the faithful performance of the duties of his office, and for the fidelity of the persons to be by him employed, which bond shall be lodged in the office of the Comptroller of the Treasury of the United States.

Act of March  
3, 1809, ch. 28,  
sec. 1.

Duties of the  
Auditor.

SEC. 5. *And be it further enacted*, That it shall be the duty of the Auditor to receive all public accounts, and after examination to certify the balance, and transmit the accounts with the vouchers and certificate to the Comptroller for his decision thereon: *Provided*, That if any person whose account shall be so audited, be dissatisfied therewith, he

Act of May  
8, 1792, ch. 37,  
sec. 7.

(a) By "an act for the establishment of a general land office in the Department of the Treasury," passed April 25, 1812, the direction of the sales of public lands was assigned to the Secretary of the Treasury.

By "an act to provide for the collection, safe keeping, transfer and disbursement of the public revenue," passed July 4, 1840, chap. 18, sec. 1, the fire-proof vaults and safes provided by the Treasurer in the new building erected at the seat of government, were "constituted and declared to be the Treasury of the United States." This act was repealed by the act of August 13, 1841, chap. 7.

(b) See act of March 3, 1809, chap. 28, sec. 2. The comptroller of the Treasury has a right to direct the marshal to whom he shall pay money received on executions, and payment according to such directions is good. *United States v. Giles*, 9 Cranch, 212; 3 Cond. Rep. 377.

may within six months appeal to the Comptroller against such settlement.(a)

SEC. 6. *And be it further enacted*, That it shall be the duty of the Register to keep all accounts of the receipts and expenditures of the public money, and of all debts due to or from the United States; to receive from the Comptroller the accounts which shall have been finally adjusted, and to preserve such accounts with their vouchers and certificates; to record all warrants for the receipt or payment of monies at the Treasury, certify the same thereon, and to transmit to the Secretary of the Treasury, copies of the certificates of balances of accounts adjusted as is herein directed.

SEC. 7. *And be it further enacted*, That whenever the Secretary shall be removed from office by the President of the United States, or in any other case of vacancy in the office of Secretary, the Assistant shall, during the vacancy, have the charge and custody of the records, books, and papers appertaining to the said office.

SEC. 8. *And be it further enacted*, That no person appointed to any office instituted by this act, shall directly or indirectly be concerned or interested in carrying on the business of trade or commerce, or be owner in whole or in part of any sea-vessel, or purchase by himself, or another in trust for him, any public lands or other public property, or be concerned in the purchase or disposal of any public securities of any State, or of the United States, or take or apply to his own use, any emolument or gain for negotiating or transacting any business in the said department, other than what shall be allowed by law; and if any person shall offend against any of the prohibitions of this act, he shall be deemed guilty of a high misdemeanor, and forfeit to the United States the penalty of three thousand dollars, and shall upon conviction be removed from office, and forever thereafter incapable of holding any office under the United States: *Provided*, That if any other person than a public prosecutor shall give information of any such offence, upon which a prosecution and conviction shall be had, one half the aforesaid penalty of three thousand dollars, when recovered, shall be for the use of the person giving such information.

APPROVED, September 2, 1789.

Act of March 3, 1809, ch. 28, sec. 2.

Duties of the Register.

Secretary removed, or his office vacant, assistant secretary to have custody of records, &c.

Persons appointed to office under this act,

Prohibition upon.

Penalty for breach of the prohibitions of the law.

1791, ch. 18, sec. 3.

#### STATUTE I.

Sept. 11, 1789.

#### CHAP. XIII.—*An Act for establishing the Salaries of the Executive Officers of Government, with their Assistants and Clerks.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there shall be allowed to the officers hereafter mentioned, the following annual salaries, payable quarterly at the Treasury of the United States: to the Secretary of the Treasury, three thousand five hundred dollars; to the Secretary in the Department of State, three thousand five hundred dollars; to the Secretary in the Department of War, three thousand dollars; (b) to the Comptroller of the Treasury, two thousand dollars; to the Auditor, fifteen hundred dollars; to the Treasurer, two thousand dollars; (c) to the Register, twelve hundred and fifty dollars;

Annual salaries established, payable quarterly.

Rate of compensation.

(a) See act of May 8, 1792; act of March 3, 1809, chap. 28.

(b) By the act of March 2, 1799, chap. 38, the salary of the Secretary of State was fixed at five thousand dollars; the Secretary of the Treasury at five thousand dollars; the Secretary of War at four thousand five hundred dollars; the Secretary of the Navy at four thousand five hundred dollars per annum. By the act of February 20, 1819, chap. 27, the salaries of the Secretary of State, of the Secretary of the Treasury, of the Secretary of War, and the Secretary of the Navy, were fixed at six thousand dollars per annum. By the act of March 2, 1827, chap. 62, the salary of the Postmaster General was raised to \$6000.

(c) By the act of March 2, 1793, the sum of five hundred dollars was added to the salary of the Auditor, and two hundred and fifty dollars to the salaries of the Comptroller and Register of the Treasury. By the act of March 2, 1799, chap. 38, the salaries of the Comptroller, the Treasurer, and the Auditor of the Treasury were fixed at three thousand dollars, and the Register of the Treasury at two thousand four hundred dollars. By the act of March 3, 1817, chap. 45, the officers in the Treasury Department

to the Governor of the western territory, for his salary as such, and for discharging the duties of superintendent of Indian affairs in the northern department, two thousand dollars; to the three judges of the western territory each, eight hundred dollars; to the Assistant of the Secretary of the Treasury, fifteen hundred dollars; to the Chief Clerk in the Department of State, eight hundred dollars; to the Chief Clerk in the Department of War, six hundred dollars; to the Secretary of the western territory, seven hundred and fifty dollars; to the principal Clerk of the Comptroller, eight hundred dollars; to the principal Clerk of the Auditor, six hundred dollars; to the principal Clerk of the Treasurer, six hundred dollars.

Heads of departments to appoint clerks. Their salaries.

SEC. 2. *And be it further enacted*, That the heads of the three departments first above mentioned, shall appoint such clerks therein respectively as they shall find necessary; and the salary of the said clerks respectively shall not exceed the rate of five hundred dollars per annum.

APPROVED, September 11, 1789.

#### STATUTE I.

Sept. 15, 1789.

[Obsolete.]

[Act of July 27, 1789, ch. 4.] Department of foreign affairs changed to the department of state.

Additional duties assigned the secretary of the said department.

CHAP. XIV.—*An Act to provide for the safe-keeping of the Acts, Records and Seal of the United States, and for other purposes.*

SECTION. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Executive department, denominated the Department of Foreign Affairs, shall hereafter be denominated the Department of State, and the principal officer therein shall hereafter be called the Secretary of State.

SEC. 2. *And be it further enacted*, That whenever a bill, order, resolution, or vote of the Senate and House of Representatives, having been approved and signed by the President of the United States, or not having been returned by him with his objections, shall become a law, or take effect, it shall forthwith thereafter be received by the said Secretary from the President; and whenever a bill, order, resolution, or vote, shall be returned by the President with his objections, and shall, on being reconsidered, be agreed to be passed, and be approved by two-thirds of both Houses of Congress, and thereby become a law or take effect, it shall, in such case, be received by the said Secretary from the President of the Senate, or the Speaker of the House of Representatives, in whichever House it shall last have been so approved; and the said Secretary shall, as soon as conveniently may be, after he shall receive the same, cause every such law, order, resolution, and vote, to be published in at least three of the public newspapers printed within the United States, and shall also cause one printed copy to be delivered to each Senator and Representative of the United States, and two printed copies duly authenticated to be sent to the Executive authority of each State; and he shall carefully preserve the originals, and shall cause the same to be recorded in books to be provided for the purpose. (a)

Act of March 2, 1799, ch. 30, sec. 1.

Seal of the U. States.

Secretary to keep and affix the seal to all civil commissions.

SEC. 3. *And be it further enacted*, That the seal heretofore used by the United States in Congress assembled, shall be, and hereby is declared to be, the seal of the United States.

SEC. 4. *And be it further enacted*, That the said Secretary shall keep the said seal, and shall make out and record, and shall affix the said seal to all civil commissions, to officers of the United States, to be appointed by the President by and with the advice and consent of the

were to be five auditors and one comptroller, and the salary of each of these officers was fixed at three thousand dollars.

(a) The acts for the general promulgation of the laws of the United States have been: The act of March 3, 1795; act of December 31, 1796; act of March 2, 1799, chap. 30; act of November 21, 1814; act of April 20, 1818, chap. 75; act of May 11, 1820, chap. 92. By the 21st section of the act of August 26, 1842, chap. 202, the laws of the United States are required to be published in not less than two nor more than four newspapers in Washington.

Senate, or by the President alone. *Provided*, That the said seal shall not be affixed to any commission, before the same shall have been signed by the President of the United States, nor to any other instrument or act, without the special warrant of the President therefor.

SEC. 5. *And be it further enacted*, That the said Secretary shall cause a seal of office to be made for the said department of such device as the President of the United States shall approve, and all copies of records and papers in the said office, authenticated under the said seal, shall be evidence equally as the original record or paper.

Secretary to provide a seal of office.

SEC. 6. *And be it further enacted*, That there shall be paid to the Secretary, for the use of the United States, the following fees of office, by the persons requiring the services to be performed, except when they are performed for any officer of the United States, in a matter relating to the duties of his office, to wit: For making out and authenticating copies of records, ten cents for each sheet, containing one hundred words; for authenticating a copy of a record or paper under the seal of office, twenty-five cents.

Fees of office to be paid for the use of the U. States.

SEC. 7. *And be it further enacted*, That the said Secretary shall forthwith after his appointment be entitled to have the custody and charge of the said seal of the United States, and also of all books, records and papers, remaining in the office of the late Secretary of the United States in Congress assembled; and such of the said books, records and papers, as may appertain to the Treasury department, or War department, shall be delivered over to the principal officers in the said departments respectively, as the President of the United States shall direct.

Secretary to have custody of papers, &c. of late Congress.

APPROVED, September 15, 1789.

#### STATUTE I.

CHAP. XV.—*An Act to suspend part of an Act, intituled "An Act to regulate the collection of the Duties imposed by Law on the Tonnage of Ships or Vessels, and on Goods, Wares, and Merchandises, imported into the United States," and for other purposes.*

Sept. 16, 1789.

[Obsolete.]

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That so much of the act, intituled "An act to regulate the collection of the duties imposed by law, on the tonnage of ships or vessels, and on goods, wares, and merchandises, imported into the United States," as obliges ships or vessels bound up the river Potomac, to come to and deposit manifests of their cargoes, with the officers at St. Mary's and Yeocomico, before they proceed to their port of delivery, shall be and is hereby suspended until the first day of May next.

Restriction on vessels bound up the Potomac suspended.  
[Act of July 31, 1789, § 4.]

SEC. 2. *And be it further enacted*, That all the privileges and advantages to which ships and vessels owned by citizens of the United States, are by law entitled, shall be, until the fifteenth day of January next, extended to ships and vessels wholly owned by citizens of the States of North Carolina, and Rhode Island and Providence Plantations. *Provided*, That the master of every such ship or vessel last mentioned, shall produce a register for the same, conformable to the laws of the state in which it shall have been obtained, showing that the said ship or vessel is, and before the first day of September instant, was owned as aforesaid, and make oath or affirmation, before the collector of the port in which the benefit of this act is claimed, that the ship or vessel for which such register is produced, is the same therein mentioned, and that he believes it is still wholly owned by the person or persons named in said register, and that he or they are citizens of one of the states aforesaid.

Privileges of ships, &c. of the U. States extended to ships &c. of N. Carolina and Rhode Island, until the 15th January next.

SEC. 3. *And be it further enacted*, That all rum, loaf sugar, and



Certain articles subject to duties as on foreign goods.

Rehoboth established a port of entry.

chocolate, manufactured or made in the states of North Carolina, or Rhode Island and Providence Plantations, and imported or brought into the United States, shall be deemed and taken to be, subject to the like duties, as goods of the like kinds, imported from any foreign state, kingdom or country, are made subject to.

SEC. 4. *And be it further enacted*, That Rehoboth, in the state of Massachusetts, shall be a port of entry and delivery, until the fifteenth day of January next, and that a collector be appointed for the same.

APPROVED, September 16, 1789.

#### STATUTE I.

Sept. 22, 1789.

[Obsolete.]

Powers and salary.

CHAP. XVI.—*An Act for the temporary establishment of the Post-Office.*(a)

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there shall be appointed a Postmaster General; his powers and salary,(b) and the compensation to the assistant or clerk and deputies which he may appoint, and the regulations of the post-office shall be the same as they last were under the resolutions and ordinances of the late Congress. The Postmaster General to be subject to the direction of the President of the United States in performing the duties of his office, and in forming contracts for the transportation of the mail.

Limitation.  
Continued by  
act of August 4,  
1790, ch. 36.

SEC. 2. *And be it further enacted*, That this act shall continue in force until the end of the next session of Congress, and no longer.

APPROVED, September 22, 1789.

#### STATUTE I.

Sept. 22, 1789.

[Obsolete.]

Senators,  
their allowance  
for attendance  
and travelling,  
prior to the 4th  
of March, 1795.

CHAP. XVII.—*An Act for allowing Compensation to the Members of the Senate and House of Representatives of the United States, and to the Officers of both Houses.*(c)

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That at every session of Congress, and at every meeting of the Senate in the recess of Congress, prior to the fourth day of March, in the year one thousand seven hundred and ninety-five, each Senator shall be entitled to receive six dollars, for every day he shall attend the Senate, and shall also be allowed, at the commencement and end of every such session and meeting, six dollars for every twenty miles of the estimated distance, by the most usual road, from his place of residence to the seat of Congress; and in case any member of the Senate shall be detained by sickness on his journey to or from any such session or meeting, or after his arrival shall be unable to attend the Senate, he shall be entitled to the same daily allowance: *Provided always*, That no Senator shall be allowed a sum exceeding the rate of six dollars a day, from the end of one such session or meeting to the time of his taking his seat in another.

Act of March  
10, 1796, ch. 4.  
Act of April  
29, 1802, ch. 35.

SEC. 2. *And be it further enacted*, That at every session of Congress, and at every meeting of the Senate in the recess of Congress, after the

(a) The acts passed for the establishment and regulation of the Post-office Department, and which are obsolete, have been, in addition to this act: Act of August 4, 1790, chap. 36; act of March 3, 1791, chap. 23; act of February 20, 1792; act of May 8, 1794; act of March 3, 1797, chap. 19; act of March 28, 1798, chap. 24; act of March 2, 1799, chap. 43; act of December 23, 1814; act of February 27, 1815; act of February 1, 1816, chap. 7; act of April 9, 1816, chap. 43; act of March 3, 1825, chap. 64.

The acts in force in reference to the Post-office Department are, the "act concerning public contracts," April 21, 1808, chap. 48; act of March 2, 1827, chap. 61. An act to change the organization of the post-office department, and to provide more effectually for the settlement of the accounts thereof, July 2, 1836, chap. 270; resolution of March 2, 1837; act of March 3, 1845, chap. 23, 34.

(b) By an act passed March 2, 1827, chap. 62, an addition was made to the salary of the Postmaster General of two thousand dollars, making the annual salary of that officer six thousand dollars.

(c) The acts of Congress, subsequent to this act, allowing compensation to members of the Senate and House of Representatives, &c., have been: Act of July 6, 1797, chap. 13; act of March 19, 1816, chap. 30; act of January 22, 1818, chap. 5; act of 1796, chap. 4.

aforesaid fourth day of March, in the year one thousand seven hundred and ninety-five, each Senator shall be entitled to receive seven dollars for every day he shall attend the Senate; and shall also be allowed at the commencement and end of every such session and meeting, seven dollars for every twenty miles of the estimated distance, by the most usual road, from his place of residence to the seat of Congress; and in case any member of the Senate shall be detained by sickness, on his journey to or from any such session or meeting, or after his arrival shall be unable to attend the Senate, he shall be entitled to the same allowance of seven dollars a day: *Provided always*, That no Senator shall be allowed a sum exceeding the rate of seven dollars a day, from the end of one such session or meeting to the time of his taking a seat in another.

SEC. 3. *And be it further enacted*, That at every session of Congress, each Representative shall be entitled to receive six dollars for every day he shall attend the House of Representatives; and shall also be allowed at the commencement and end of every session, six dollars for every twenty miles of the estimated distance, by the most usual road, from his place of residence to the seat of Congress; and in case any Representative shall be detained by sickness, on his journey to or from the session of Congress, or after his arrival shall be unable to attend the House of Representatives, he shall be entitled to the daily allowance aforesaid; and the Speaker of the House of Representatives, to defray the incidental expenses of his office, shall be entitled to receive in addition to his compensation as a Representative, six dollars for every day he shall attend the House: *Provided always*, That no Representative shall be allowed a sum exceeding the rate of six dollars a day, from the end of one such session or meeting to the time of his taking a seat in another.

SEC. 4. *And be it further enacted*, That there shall be allowed to each chaplain of Congress, at the rate of five hundred dollars per annum during the session of Congress; to the secretary of the Senate and clerk of the House of Representatives, fifteen hundred dollars per annum each, to commence from the time of their respective appointments; and also a further allowance of two dollars per day to each, during the session of that branch for which he officiates: and the said secretary and clerk shall each be allowed (when the President of the Senate or Speaker shall deem it necessary) to employ one principal clerk, who shall be paid three dollars per day, and an engrossing clerk, who shall be paid two dollars per day during the session, with the like compensation to such clerk while he shall be necessarily employed in the recess.

SEC. 5. *And be it further enacted*, That the following compensation shall be allowed to the officers herein after mentioned, viz: To the sergeant at arms, during the sessions and while employed on the business of the House, four dollars per day; the allowance of the present sergeant at arms to commence from the time of his appointment. To the door-keeper of the Senate and House of Representatives, for their services in those offices, three dollars per day during the session of the House to which he may belong, for his own services, and for the hire of necessary labourers; the allowance to the present door-keeper of the Senate to commence from the day appointed for the meeting of Congress; and the allowance to the door-keeper of the House of Representatives to commence from his appointment; and to the assistant door-keeper to each House, two dollars per day during the sessions.

SEC. 6. *And be it further enacted*, That the said compensation which shall be due to the members and officers of the Senate, shall be certified by the President; and that which shall be due to the members and officers of the House of Representatives, shall be certified by the Speaker; and the same shall be passed as public accounts, and paid out of the public treasury.

Allowance for attendance and travelling, after March 4, 1796.

Repealed by act of 1796, ch. 4.

Members of the House of Representatives, their allowance for attendance and travelling.

Chaplains, secretary, and clerks, their salaries and allowance.

Sergeant at arms and door-keepers, their allowance for services, attendance, &c.

Compensations, how to be certified.

Continuance  
of this act.

SEC. 7. *And be it further enacted*, That this act shall continue in force until the fourth day of March, in the year one thousand seven hundred and ninety-six, and no longer.

APPROVED, September 22, 1789.

#### STATUTE I.

Sept. 23, 1789.

[Obsolete.]

Salaries of  
Chief Justice,  
justices of the  
Supreme Court,  
and district  
judges.

CHAP. XVIII.—*An Act for allowing certain Compensation to the Judges of the Supreme and other Courts, and to the Attorney General of the United States.*(a)

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there shall be allowed to the judges of the Supreme and other courts of the United States, the yearly compensations herein after mentioned, to wit: to the Chief Justice four thousand dollars; to each of the justices of the Supreme Court three thousand five hundred dollars; to the judge of the district of Maine one thousand dollars; to the judge of the district of New Hampshire, one thousand dollars; to the judge of the district of Massachusetts twelve hundred dollars; to the judge of the district of Connecticut one thousand dollars; to the judge of the district of New York fifteen hundred dollars; to the judge of the district of New Jersey one thousand dollars; to the judge of the district of Pennsylvania sixteen hundred dollars; to the judge of the district of Delaware eight hundred dollars; to the judge of the district of Maryland fifteen hundred dollars; to the judge of the district of Virginia eighteen hundred dollars; to the judge of the district of Kentucky one thousand dollars; to the judge of the district of South Carolina eighteen hundred dollars; to the judge of the district of Georgia fifteen hundred dollars; and to the Attorney General of the United States fifteen hundred dollars; which compensations shall commence from their respective appointments, and be paid at the treasury of the United States in quarterly payments.

APPROVED, September 23, 1789.

Commence-  
ment of, and  
how payable.

#### STATUTE I.

Sept. 24, 1789.

CHAP. XIX.—*An Act for allowing a Compensation to the President and Vice President of the United States.*

President and  
Vice President  
of the U. States,  
compensation  
to, commence-  
ment of, and  
how payable.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there shall be allowed to the President of the United States, at the rate of twenty-five thousand dollars, with the use of the furniture and other effects, now in his possession, belonging to the United States; and to the Vice President, at the rate of five thousand dollars per annum, in full compensation for their respective services, to commence with the time of their entering on the duties of their offices respectively, and to continue so long as they shall remain in office, and to be paid quarterly out of the treasury of the United States.

APPROVED, September 24, 1789.

(a) By an act passed February 20, 1819, chap. 15, the annual salary of the Chief Justice of the United States was fixed at five thousand dollars, and the salaries of the Justices of the Court at four thousand five hundred dollars.

The acts relative to the compensation of the Attorney General of the United States subsequent to the act of September 23, 1789, have been: Act of March 2, 1797, chap. 3; act of March 2, 1799, chap. 38; act of February 20, 1804, chap. 12. By the act of February 20, 1819, chap. 15, the salary of the Attorney General was fixed at three thousand five hundred dollars per annum. By the 10th section of the act of May 29, 1830, chap. 153, an addition of five hundred dollars per annum was made to the salary of the Attorney General. In the general appropriation act of March 3, 1841, chap. 16, the sum of one thousand five hundred dollars was appropriated as compensation of clerk and messenger in the office of the Attorney General. Authority to appoint a messenger was given to the Attorney General by the act of August 26, 1842, chap. 202.

CHAP. XX.—*An Act to establish the Judicial Courts of the United States.*(a)STATUTE I.  
Sept. 24, 1789.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the supreme court of the United States shall consist of a chief justice and five associate justices,(b) any four of whom shall be a quorum, and shall hold annually at the seat of government two sessions, the one commencing the first Monday of February, and the other the first Monday of August. That the associate justices shall have precedence according to the date of their commissions, or when the commissions of two or more of them bear date on the same day, according to their respective ages.

SEC. 2. *And be it further enacted*, That the United States shall be, and they hereby are divided into thirteen districts, to be limited and called as follows, to wit: one to consist of that part of the State of Massachusetts which lies easterly of the State of New Hampshire, and to be called Maine District; one to consist of the State of New Hampshire, and to be called New Hampshire District;(c) one to consist of the remaining part of the State of Massachusetts, and to be called Massachusetts district; one to consist of the State of Connecticut, and to be called Connecticut District; one to consist of the State of New York, and to be called New York District; one to consist of the State of New Jersey, and to be called New Jersey District; one to consist of the State of Pennsylvania, and to be called Pennsylvania District; one to consist of the State of Delaware, and to be called Delaware District; one to consist of the State of Maryland, and to be called Maryland District; one to consist of the State of Virginia, except that part called the District of Kentucky, and to be called Virginia District; one to consist of the remaining part of the State of Virginia, and to be called Kentucky District; one to consist of the State of South Carolina, and to be called South Carolina District; and one to consist of the State of Georgia, and to be called Georgia District.

SEC. 3. *And be it further enacted*, That there be a court called a District Court, in each of the afore mentioned districts, to consist of one judge, who shall reside in the district for which he is appointed, and shall be called a District Judge, and shall hold annually four

Supreme court to consist of a chief justice, and five associates.

Two sessions annually.  
Precedence.

Thirteen districts.

Maine.  
N. Hampshire.  
Massachusetts.Connecticut.  
New York.  
New Jersey.  
Pennsylvania.  
Delaware.  
Maryland.Virginia.  
Kentucky.South Carolina.  
Georgia.

A district court in each district.

(a) The 3d article of the Constitution of the United States enables the judicial department to receive jurisdiction to the full extent of the constitution, laws and treaties of the United States, when any question respecting them shall assume such a form that the judicial power is capable of acting on it. That power is capable of acting only where the subject is submitted to it by a party who asserts his right in a form presented by law. It then becomes a case. *Osborn et al. v. The Bank of the United States*, 9 Wheat. 738; 5 Cond. Rep. 741.

(b) By the act of April 29, 1802, chap. 31, the Supreme Court was declared to consist of a Chief Justice and six associate Justices, and by the act of March 3, 1837, chap. 32, it was made to consist of a Chief Justice and eight associate Justices.

By the act of April 29, 1802, chap. 31, the provision of the act of September 24, 1789, requiring two annual sessions of the Supreme Court, was repealed, and the 2d section of that act required that the associate Justice of the fourth circuit should attend at Washington on the first Monday of August annually, to make all necessary rules and orders, touching suits and actions depending in the court. This section was repealed by the 7th section of the act of February 25, 1839, chap. 36.

By an act passed May 4, 1826, chap. 37, the sessions of the Supreme Court were directed to commence on the second Monday in January annually, instead of the first Monday in February; and by an act passed June 17, 1844, the sessions of the Supreme Court were directed to commence on the first Monday in December annually.

(c) The jurisdiction and powers of the District Courts have been declared and established by the following acts of Congress: Act of September 24, 1789; act of June 5, 1794, sec. 6; act of May 10, 1800; act of December 31, 1814; act of April 16, 1816; act of April 20, 1818; act of May 15, 1820; act of March 3, 1793.

The decisions of the Courts of the United States on the jurisdiction of the District Courts have been: *The Thomas Jefferson*, 10 Wheat. 428; 6 Cond. Rep. 173. *McDonough v. Danery*, 3 Dall. 188; 1 Cond. Rep. 94. *United States v. La Vengeance*, 3 Dall. 297; 1 Cond. Rep. 132. *Glass et al. v. The Betsey*, 3 Dall. 6; 1 Cond. Rep. 10. *The Alerta v. Blas Moran*, 9 Cranch, 359; 3 Cond. Rep. 425. *The Merino et al.*, 9 Wheat. 391; 5 Cond. Rep. 623. *The Josefa Segunda*, 10 Wheat. 312; 6 Cond. Rep. 111. *The Bolina*, 1 Gallis' C. C. R. 75. *The Robert Fulton*, Paine's C. C. R. 620. *Jansen v. The Vrow Christiana Magdalena*, Bee's D. C. R. 11. *Jennings v. Carson*, 4 Cranch, 2; 2 Cond. Rep. 2. *The Sarah*, 8 Wheat. 391; 5 Cond. Rep. 472. *Penhallow et al. v. Doane's Adm'rs*, 3 Dall. 54; 1 Cond. Rep. 21. *The United States v. Richard Peters*, 3 Dall. 121; 1 Cond. Rep. 60. *M'Lellan v. the United States*,

Four sessions annually in a district; and when held.

Special district courts.  
Stated district courts; when holden.

Special courts, where held.

Where records kept.

Three circuits, and how divided.  
[Obsolete.]

sessions, the first of which to commence as follows, to wit: in the districts of New York and of New Jersey on the first, in the district of Pennsylvania on the second, in the district of Connecticut on the third, and in the district of Delaware on the fourth, Tuesdays of November next; in the districts of Massachusetts, of Maine, and of Maryland, on the first, in the district of Georgia on the second, and in the districts of New Hampshire, of Virginia, and of Kentucky, on the third Tuesdays of December next; and the other three sessions progressively in the respective districts on the like Tuesdays of every third calendar month afterwards, and in the district of South Carolina, on the third Monday in March and September, the first Monday in July, and the second Monday in December of each and every year, commencing in December next; and that the District Judge shall have power to hold special courts at his discretion. That the stated District Court shall be held at the places following, to wit: in the district of Maine, at Portland and Pownalsborough alternately, beginning at the first; in the district of New Hampshire, at Exeter and Portsmouth alternately, beginning at the first; in the district of Massachusetts, at Boston and Salem alternately, beginning at the first; in the district of Connecticut, alternately at Hartford and New Haven, beginning at the first; in the district of New York, at New York; in the district of New Jersey, alternately at New Brunswick and Burlington, beginning at the first; in the district of Pennsylvania, at Philadelphia and York Town alternately, beginning at the first; in the district of Delaware, alternately at Newcastle and Dover, beginning at the first; in the district of Maryland, alternately at Baltimore and Easton, beginning at the first; in the district of Virginia, alternately at Richmond and Williamsburgh, beginning at the first; in the district of Kentucky, at Harrodsburgh; in the district of South Carolina, at Charleston; and in the district of Georgia, alternately at Savannah and Augusta, beginning at the first; and that the special courts shall be held at the same place in each district as the stated courts, or in districts that have two, at either of them, in the discretion of the judge, or at such other place in the district, as the nature of the business and his discretion shall direct. And that in the districts that have but one place for holding the District Court, the records thereof shall be kept at that place; and in districts that have two, at that place in each district which the judge shall appoint.

SEC. 4. *And be it further enacted*, That the before mentioned districts, except those of Maine and Kentucky, shall be divided into three circuits, and be called the eastern, the middle, and the southern circuit. That the eastern circuit shall consist of the districts of New Hampshire, Massachusetts, Connecticut and New York; that the middle circuit shall consist of the districts of New Jersey, Pennsylvania, Delaware, Maryland and Virginia; and that the southern circuit shall consist of the districts of South Carolina and Georgia, and that there shall be held annually in each district of said circuits, two courts, which shall be called Circuit Courts, and shall consist of any two justices of

1 Gallis' C. C. R. 227. Hudson et al. v. Guestier, 6 Cranch, 281; 2 Cond. Rep. 374. Brown v. The United States, 8 Cranch, 110; 3 Cond. Rep. 56. De Lovio v. Boit et al., 2 Gallis' Rep. 398. Burke v. Trevitt, 1 Mason, 96. The Amiable Nancy, 3 Wheat. 546; 4 Cond. Rep. 322. The Abby, 1 Mason, 360. The Little Ann, Paine's C. C. R. 40. Slocum v. Maybury et al., 2 Wheat. 1; 4 Cond. Rep. 1. Southwick v. The Postmaster General, 2 Peters, 442. Davis v. A New Brig, Gilpin's D. C. R. 473. Smith v. The Pekin, Gilpin's D. C. R. 203. Peters' Digest, "Courts," "District Courts of the United States."

The 3d section of the act of Congress of 1789, to establish the Judicial Courts of the United States, which provides that no summary writ, return of process, judgment, or other proceedings in the courts of the United States shall be abated, arrested or quashed for any defect or want of form, &c., although it does not include verdicts, eo nomine, but judgments are included; and the language of the provision, "writ, declaration, judgment or other proceeding, in court causes," and further "such writ, declaration, pleading, process, judgment or other proceeding whatsoever," is sufficiently comprehensive to embrace every conceivable step to be taken in a court, from the emanation of the writ, down to the judgment. Roach v. Hulings, 16 Peters, 319.

the Supreme Court, and the district judge of such districts, any two of whom shall constitute a quorum: *Provided*, That no district judge shall give a vote in any case of appeal or error from his own decision; but may assign the reasons of such his decision.

SEC. 5. *And be it further enacted*, That the first session of the said circuit court in the several districts shall commence at the times following, to wit: in New Jersey on the second, in New York on the fourth, in Pennsylvania on the eleventh, in Connecticut on the twenty-second, and in Delaware on the twenty-seventh, days of April next; in Massachusetts on the third, in Maryland on the seventh, in South Carolina on the twelfth, in New Hampshire on the twentieth, in Virginia on the twenty-second, and in Georgia on the twenty-eighth, days of May next, and the subsequent sessions in the respective districts on the like days of every sixth calendar month afterwards, except in South Carolina, where the session of the said court shall commence on the first, and in Georgia where it shall commence on the seventeenth day of October, and except when any of those days shall happen on a Sunday, and then the session shall commence on the next day following. And the sessions of the said circuit court shall be held in the district of New Hampshire, at Portsmouth and Exeter alternately, beginning at the first; in the district of Massachusetts, at Boston; in the district of Connecticut, alternately at Hartford and New Haven, beginning at the last; in the district of New York, alternately at New York and Albany, beginning at the first; in the district of New Jersey, at Trenton; in the district of Pennsylvania, alternately at Philadelphia and Yorktown, beginning at the first; in the district of Delaware, alternately at New Castle and Dover, beginning at the first; in the district of Maryland, alternately at Annapolis and Easton, beginning at the first; in the district of Virginia, alternately at Charlottesville and Williamsburgh, beginning at the first; in the district of South Carolina, alternately at Columbia and Charleston, beginning at the first; and in the district of Georgia, alternately at Savannah and Augusta, beginning at the first. And the circuit courts shall have power to hold special sessions for the trial of criminal causes at any other time at their discretion, or at the discretion of the Supreme Court. (a)

First session of the circuit courts; when holden.

[Obsolete.]

Where holden.

Circuit courts. Special sessions.

(a) The sessions of the Circuit Courts have been regulated by the following acts: In ALABAMA—act of March 3, 1837. In ARKANSAS—act of March 3, 1837. In CONNECTICUT—act of September 24, 1789; act of April 13, 1792; act of March 2, 1793; act of March 3, 1797; act of April 29, 1802; act of May 13, 1826. In DELAWARE—act of September 24, 1789; act of March 3, 1797; act of April 29, 1802; act of March 24, 1804; act of March 3, 1837. In GEORGIA—act of September 24, 1789; act of August 11, 1790; act of April 13, 1792; act of March 3, 1797; act of April 29, 1802; act of May 13, 1826; act of Jan. 21, 1829. KENTUCKY—act of March 3, 1801; act of March 8, 1802; act of March 2, 1803; act of Feb. 27, 1807; act of March 22, 1808; April 22, 1824. LOUISIANA—act of March 3, 1837. MAINE—act of March 3, 1801; act of March 8, 1802; act of March 30, 1820. MARYLAND—act of Sept. 24, 1789; act of March 3, 1797; act of April 29, 1802; act of Feb. 11, 1830; act of March 3, 1837. MASSACHUSETTS—act of Sept. 24, 1789; act of March 3, 1791; act of June 9, 1794; act of March 2, 1793; act of March 3, 1797; act of March 3, 1801; act of March 8, 1802; act of April 29, 1802; act of March 26, 1812. MISSOURI—act of March 3, 1837. MISSISSIPPI—act of March 3, 1839. NEW HAMPSHIRE—act of Sept. 24, 1789; act of March 3, 1791; act of April 13, 1792; act of March 2, 1793; act of March 3, 1797; act of March 3, 1801; act of April 29, 1802; act of March 6, 1812. NEW JERSEY—act of September 24, 1789; act of March 3, 1797; act of April 2, 1802. NEW YORK—act of September 24, 1789; act of March 3, 1791; act of April 13, 1792; act of March 2, 1793; act of March 3, 1797; act of April 29, 1802; act of March 3, 1825; act of February 10, 1832; act of May 13, 1836; act of March 3, 1837. NORTH CAROLINA—act of September 24, 1789; act of April 13, 1792; act of March 2, 1793; act of March 31, 1796; act of March 3, 1797; act of July 5, 1797; act of April 29, 1802; act of March 8, 1806; act of February 4, 1807. OHIO—act of February 24, 1807; act of March 22, 1808; act of April 22, 1824; act of May 20, 1826. PENNSYLVANIA—act of September 24, 1789; act of May 12, 1796; act of March 3, 1797; act of December 24, 1799; act of April 29, 1802; act of March 3, 1837. RHODE ISLAND—act of June 23, 1790; act of March 3, 1791; act of March 2, 1793; act of May 22, 1796; act of March 3, 1797; act of March 3, 1801; act of March 8, 1802; act of April 29, 1802; act of March 26, 1812. SOUTH CAROLINA—act of September 24, 1789; act of August 11, 1790; act of March 3, 1797; act of April 29, 1802; act of April 14, 1816; act of May 25, 1824; act of March 3, 1825; act of May 4, 1826; act of February 5, 1829. TENNESSEE—act of February 24, 1807; act of March 22, 1808; act of March 10, 1812; act of January 13, 1831. VERMONT—act of March 2, 1791; act of March 2, 1793; act of May 27, 1796; act of March 3, 1797; act of April 29, 1802; act of March 22, 1816. VIRGINIA—act of September 24, 1789; act of March 3, 1791; act of April 13, 1792; act of March 3, 1797; act of April 29, 1802; act of March 2, 1837.

Supreme court  
adjourned by  
one or more  
justices; circuit  
courts adjourn-  
ed.

District courts  
adjourned.

The courts  
have power to  
appoint clerks.

Their oath or  
affirmation.

Oath of jus-  
tices of supreme  
court and judges  
of the district  
court.

District courts  
exclusive juris-  
diction.

SEC. 6. *And be it further enacted*, That the Supreme Court may, by any one or more of its justices being present, be adjourned from day to day until a quorum be convened; and that a circuit court may also be adjourned from day to day by any one of its judges, or if none are present, by the marshal of the district until a quorum be convened; (a) and that a district court, in case of the inability of the judge to attend at the commencement of a session, may by virtue of a written order from the said judge, directed to the marshal of the district, be adjourned by the said marshal to such day, antecedent to the next stated session of the said court, as in the said order shall be appointed; and in case of the death of the said judge, and his vacancy not being supplied, all process, pleadings and proceedings of what nature soever, pending before the said court, shall be continued of course until the next stated session after the appointment and acceptance of the office by his successor.

SEC. 7. *And be it [further] enacted*, That the Supreme Court, and the district courts shall have power to appoint clerks for their respective courts, (b) and that the clerk for each district court shall be clerk also of the circuit court in such district, and each of the said clerks shall, before he enters upon the execution of his office, take the following oath or affirmation, to wit: "I, A. B., being appointed clerk of \_\_\_\_\_, do solemnly swear, or affirm, that I will truly and faithfully enter and record all the orders, decrees, judgments and proceedings of the said court, and that I will faithfully and impartially discharge and perform all the duties of my said office, according to the best of my abilities and understanding. So help me God." Which words, so help me God, shall be omitted in all cases where an affirmation is admitted instead of an oath. And the said clerks shall also severally give bond, with sufficient sureties, (to be approved of by the Supreme and district courts respectively) to the United States, in the sum of two thousand dollars, faithfully to discharge the duties of his office, and seasonably to record the decrees, judgments and determinations of the court of which he is clerk.

SEC. 8. *And be it further enacted*, That the justices of the Supreme Court, and the district judges, before they proceed to execute the duties of their respective offices, shall take the following oath or affirmation, to wit: "I, A. B., do solemnly swear or affirm, that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as \_\_\_\_\_, according to the best of my abilities and understanding, agreeably to the constitution and laws of the United States. So help me God."

SEC. 9. *And be it further enacted*, That the district courts (c) shall have, exclusively of the courts of the several States, cognizance of all crimes and offences that shall be cognizable under the authority of the United States, committed within their respective districts, or upon the

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By the act of March 10, 1838, the Justice of the Supreme Court is required to attend but one circuit in the districts of Indiana, Illinois, and Michigan.

By an act passed in 1844, the Justices of the Supreme Court are empowered to hold but one session of the Circuit Court in each district in their several circuits. The Judges of the District Courts hold the other sessions of the Circuit Court in their several districts.

(a) The provisions of law on the subject of the adjournments of the Supreme Court in addition to the 6th section of this act, are, that in case of epidemical disease, the court may be adjourned to some other place than the seat of government. Act of February 25, 1799.

(b) By the 2d section of the act entitled "an act in amendment of the acts respecting the judicial system of the United States," passed February 28, 1839, chap. 36, it is provided "that all the circuit courts of the United States shall have the appointment of their own clerks, and in case of disagreement between the judges, the appointment shall be made by the presiding judge of the court." See *ex parte Duncan* N. Hennen, 13 Peters, 230.

(c) The further legislation on the subject of the jurisdiction and powers of the District Courts are: the act of June 5, 1794, ch. 50, sec. 6; act of May 10, 1800, chap. 51, sec. 5; act of February 24, 1807, chap. 13; act of February 24, 1807, chap. 16; act of March 3, 1815; act of April 16, 1816, chap. 56, sec. 6; act of April 20, 1818, chap. 103; act of May 15, 1820, chap. 106, sec. 4; act of March 3, 1823, chap. 71.

high seas; where no other punishment than whipping, not exceeding thirty stripes, a fine not exceeding one hundred dollars, or a term of imprisonment not exceeding six months, is to be inflicted; and shall also have exclusive original cognizance of all civil causes of admiralty and maritime jurisdiction, including all seizures under laws of impost, navigation or trade of the United States, where the seizures are made, on waters which are navigable from the sea by vessels of ten or more tons burthen, within their respective districts as well as upon the high seas; (a) saving to suitors, in all cases, the right of a common law remedy, where the common law is competent to give it; and shall also have exclusive original cognizance of all seizures on land, or other waters than as aforesaid, made, and of all suits for penalties and forfeitures incurred, under the laws of the United States. (b) And shall also have cognizance, concurrent with the courts of the several States, or the circuit courts, as the case may be, of all causes where an alien sues for a tort only in violation of the law of nations or a treaty of the United States. (c) And shall also have cognizance, concurrent as last mentioned, of all suits at common law where the United States sue, and the matter in dispute amounts, exclusive of costs, to the sum or value of one hundred dollars. And shall also have jurisdiction exclusively of the courts of the several States, of all suits against consuls or vice-consuls, except for offences above the description aforesaid. (d) And the trial of issues in fact, in the district courts, in all causes except civil causes of admiralty and maritime jurisdiction, shall be by jury.

[Acts of June 5, 1794, sect. 6; act of Feb. 13, 1807; act of March 3, 1815, sect. 4.]

Original cognizance in maritime causes and of seizure under the laws of the United States.

Concurrent jurisdiction.

Trial of fact by jury.

SEC. 10. *And be it further enacted*, That the district court in Kentucky district shall, besides the jurisdiction aforesaid, have jurisdiction of all other causes, except of appeals and writs of error, hereinafter made cognizable in a circuit court, and shall proceed therein in the same

Kentucky district court.  
[Obsolete.]

(a) Jurisdiction of the District Courts in cases of admiralty seizures, under laws of impost, navigation and trade. *McDonough v. Danery*, 3 Dall. 188; 1 Cond. Rep. 94. *The United States v. La Vengeance*, 3 Dall. 297; 1 Cond. Rep. 132. *Glass et al. v. The Betsey*, 3 Dall. 6; 1 Cond. Rep. 10. *The Alerta*, 3 Cranch, 359; 3 Cond. Rep. 425. *The Merino et al.*, 9 Wheat. 391; 5 Cond. Rep. 623. *The Josefa Segunda*, 10 Wheat. 312; 6 Cond. Rep. 111. *Jennings v. Carson*, 4 Cranch, 2; 2 Cond. Rep. 2. *The Sarah*, 8 Wheat. 691; 5 Cond. Rep. 472. *Penhallow et al. v. Doane's Adm'rs*, 3 Dall. 54; 1 Cond. Rep. 21. *United States v. Richard Peters*, 3 Dall. 121; 1 Cond. Rep. 60. *Hudson et al. v. Guestier*, 6 Cranch, 281; 2 Cond. Rep. 374. *Brown v. The United States*, 8 Cranch, 110; 3 Cond. Rep. 56. *The Sarah*, 8 Wheat. 391; 5 Cond. Rep. 472. *The Amiable Nancy*, 3 Wheat. 546; 4 Cond. Rep. 322. *Slocum v. Maybury*, 2 Wheat. 1; 4 Cond. Rep. 1. *Gelston et al. v. Hoyt*, 3 Wheat. 246; 4 Cond. Rep. 244. *The Bolina*, 1 Gallis' C. C. R. 75. *The Robert Fulton*, 1 Paine's C. C. R. 620; Bee's D. C. R. 11. *De Lovio v. Boit et al.*, 2 Gallis' C. C. R. 398. *The Abby*, 1 Mason's Rep. 360. *The Little Ann*, Paine's C. C. R. 40. *Davis v. A New Brig*, Gilpin's D. C. R. 473. *The Catharine*, 1 Adm. Decis. 104.

(b) An information against a vessel under the act of Congress of May 22, 1794, on account of an alleged exportation of arms, is a case of admiralty and maritime jurisdiction; and an appeal from the District to the Circuit Court, in such a case is sustainable. It is also a civil cause, and triable without the intervention of a jury, under the 9th section of the judicial act. *The United States v. La Vengeance*, 3 Dall. 297; 1 Cond. Rep. 132. *The Sarah*, 8 Wheat. 691; 5 Cond. Rep. 472. *The Abby*, 1 Mason, 360. *The Little Ann*, Paine's C. C. R. 40.

When the District and State courts have concurrent jurisdiction, the right to maintain the jurisdiction attaches to that tribunal which first exercises it, and obtains possession of the thing. *The Robert Fulton*, Paine's C. C. R. 620.

(c) *Burke v. Trevitt*, 1 Mason, 96. The courts of the United States have exclusive jurisdiction of all seizures made on land or water, for a breach of the laws of the United States, and any intervention of State authority, which by taking the thing seized out of the hands of the officer of the United States, might obstruct the exercise of this jurisdiction, is unlawful. *Slocum v. Mayberry et al.*, 2 Wheat. 1; 4 Cond. Rep. 1.

(d) *Davis v. Packard*, 6 Peters, 41. As an abstract question, it is difficult to understand on what ground a State court can claim jurisdiction of civil suits against foreign consuls. By the Constitution, the judicial power of the United States extends to all cases affecting ambassadors, other public ministers and consuls; and the judiciary act of 1789 gives to the district courts of the United States, exclusively of the courts of the several States, jurisdiction of all suits against consuls and vice consuls, except for certain offences enumerated in this act. *Davis v. Packard*, 7 Peters, 276.

If a consul, being sued in a State court, omits to plead his privilege of exemption from the suit, and afterwards, on removing the judgment of the inferior court to a higher court by writ of error, claims the privilege, such an omission is not a waiver of the privilege. If this was to be viewed merely as a personal privilege, there might be grounds for such a conclusion. But it cannot be so considered; it is the privilege of the country or government which the consul represents. This is the light in which foreign ministers are considered by the law of nations; and our constitution and law seem to put consuls on the same footing in this respect. *Ibid.*



Maine district court.  
[Obsolete.]

Circuit courts original cognizance where the matter in dispute exceeds five hundred dollars.

manner as a circuit court, and writs of error and appeals shall lie from decisions therein to the Supreme Court in the same causes, as from a circuit court to the Supreme Court, and under the same regulations. (a) And the district court in Maine district shall, besides the jurisdiction herein before granted, have jurisdiction of all causes, except of appeals and writs of error herein after made cognizable in a circuit court, and shall proceed therein in the same manner as a circuit court: And writs of error shall lie from decisions therein to the circuit court in the district of Massachusetts in the same manner as from other district courts to their respective circuit courts.

SEC. 11. *And be it further enacted,* That the circuit courts shall have original cognizance, concurrent with the courts of the several States, of all suits of a civil nature at common law or in equity, where the matter in dispute exceeds, exclusive of costs, the sum or value of five hundred dollars, and the United States are plaintiffs, or petitioners; or an alien is a party, or the suit is between a citizen of the State where the suit is brought, and a citizen of another State. (b) And shall have

(a) By an act passed February 24, 1807, the Circuit Court jurisdiction of the District Court of Kentucky was abolished.

(b) The amount laid in the declaration is the sum in controversy. If the plaintiff receive less than the amount so claimed, the jurisdiction of the court is not affected. *Green v. Lister*, 8 Cranch, 229. *Gordon v. Longest*, 16 Peters, 97. *Lessee of Hartshorn v. Wright*, Peters' C. C. R. 64.

By the 5th section of the act of February 21, 1794, "an act to promote the progress of the useful arts," &c., jurisdiction in actions for violations of patent rights, is given to the Circuit Courts. Also by the act of February 15, 1819, original cognizance, as well in equity as at law, is given to the Circuit Courts of all actions, and for the violation of copy rights. In such cases appeals lie to the Supreme Court of the United States. So also in cases of interest, or disability of a district judge. Act of May 8, 1792, sec. 11; act of March 2, 1809, sec. 1; act of March 3, 1821.

Jurisdiction in cases of injunctions on Treasury warrants of distress. Act of May 15, 1820, sec. 4.

Jurisdiction in cases removed from State courts. Act of February 4, 1815, sec. 8; act of March 3, 1815, sec. 6.

Jurisdiction in cases of assigned debentures. Act of March 2, 1799.

Jurisdiction of crimes committed within the Indian territories. Act of March 30, 1830, sec. 15; act of April 30, 1816, sec. 4; act of March 3, 1817, sec. 2.

Jurisdiction in bankruptcy. Act of August 19, 1841, chap. 9, [repealed.]

Jurisdiction in cases where citizens of the same State claim title to land under a grant from a State other than that in which the suit is pending in a State court. Act of September 24, 1789, sec. 12. See *Colson v. Lewis*, 2 Wheat. 377; 4 Cond. Rep. 168.

Jurisdiction where officers of customs are parties. Act of February 4, 1815, sec. 8; act of March 3, 1815, sec. 6; act of March 3, 1817, sec. 2.

A circuit court though an inferior court in the language of the constitution, is not so in the language of the common law; nor are its proceedings subject to the scrutiny of those narrow rules, which the caution or jealousy of the courts at Westminster long applied to courts of that denomination; but are entitled to as liberal intendments and presumptions in favour of their regularity, as those of any supreme court. *Turner v. The Bank of North America*, 4 Dall. 8; 1 Cond. Rep. 205.

The Circuit Courts of the United States have cognizance of all offences against the United States. What those offences are depends upon the common law applied to the sovereignty and authorities confided to the United States. *The United States v. Coolidge*, 1 Gallis' C. C. R. 488, 495.

Where the jurisdiction of the federal courts has once attached, no subsequent change in the relation or condition of the parties in the progress of the cause, will oust that jurisdiction. *The United States v. Meyers*, 2 Brocken, C. C. R. 516.

All the cases arising under the laws of the United States are not, per se, among the cases comprised within the jurisdiction of the Circuit Court, under the provisions of the 11th section of the judiciary act of 1789. *The Postmaster General v. Stockton and Stokes*, 12 Peters, 524.

Jurisdiction of the Circuit Courts of the United States in suits between aliens and citizens of another State than that in which the suit is brought:

The courts of the United States will entertain jurisdiction of a cause where all the parties are aliens, if none of them object to it. *Mason et al. v. The Blaireau*, 2 Cranch, 240; 1 Cond. Rep. 397.

The Supreme Court understands the expressions in the act of Congress, giving jurisdiction to the courts of the United States "where an alien is a party, or the suit is between a citizen of the State where the suit is brought, and a citizen of another State," to mean that each distinct interest should be represented by persons, all of whom have a right to sue, or may be sued in the federal courts: that is, when the interest is joint, each of the persons concerned in that interest must be competent to sue or be liable to be sued in those courts. *Strawbridge v. Curtis*, 3 Cranch, 267; 1 Cond. Rep. 523.

Neither the Constitution nor the act of Congress regards the subject of the suit, but the parties to it. *Mossman's Ex'ors v. Higginson*, 4 Dall. 12; 1 Cond. Rep. 210.

When the jurisdiction of the Circuit Court depends on the character of the parties, and such party consists of a number of individuals, each one must be competent to sue in the courts of the United States, or jurisdiction cannot be entertained. *Ward v. Arredondo et al.*, Paine's C. C. R. 410. *Strawbridge v. Curtis*, 3 Cranch, 267; 1 Cond. Rep. 523.

The courts of the United States have not jurisdiction, unless it appears by the record that it belongs

exclusive cognizance of all crimes and offences cognizable under the authority of the United States, (a) except where this act otherwise provides, or the laws of the United States shall otherwise direct, and concurrent jurisdiction with the district courts of the crimes and offences cognizable therein. But no person shall be arrested in one district for trial in another, in any civil action before a circuit or district court. (b) And no civil suit shall be brought before either of said courts against an inhabitant of the United States, by any original process in any other district than that whereof he is an inhabitant, or in which he shall be found at the time of serving the writ, nor shall any district or circuit court have cognizance of any suit to recover the contents of any promissory note or other chose in action in favour of an assignee, unless a suit might have been prosecuted in such court to recover the said contents if no assignment had been made, except in cases of foreign bills of exchange. (c) And the circuit courts shall also have appellate jurisdiction from the district courts under the regulations and restrictions herein after provided. (d)

SEC. 12. *And be it further enacted*, That if a suit be commenced in any state court against an alien, or by a citizen of the state in which the suit is brought against a citizen of another state, and the matter in dispute exceeds the aforesaid sum or value of five hundred dollars, exclusive of costs, to be made to appear to the satisfaction of the court; and the defendant shall, at the time of entering his appearance in such state court, file a petition for the removal of the cause for trial into the next circuit court, to be held in the district where the suit is pending, or if in the district of Maine to the district court next to be holden therein, or if in Kentucky district to the district court next to be holden therein, and offer good and sufficient surety for his entering in such court, on the first day of its session, copies of said process against him, and also for his there appearing and entering special bail in the cause, if special bail was originally requisite therein, it shall then be the duty of the state court to accept the surety, and proceed no further in the cause, and any bail that may have been originally taken shall be discharged, and the said copies being entered as aforesaid, in such court of the United States, the cause shall there proceed in the same manner as if it had been brought there by original process. (e) And any attach-

Exclusive cognizance of crimes and offences cognizable under the laws of the United States.

No person to be arrested in one district for trial in another on any civil suit.

Limitation as to civil suits.

Actions on promissory notes.

Circuit courts shall also have appellate jurisdiction.

Matter in dispute above 500 dollars.

Removal of causes from state courts.

Special bail.

to them, as that the parties are citizens of different States. *Wood v. Wagnon*, 2 Cranch, 9; 1 Cond. Rep. 335.

Where the parties to a suit are such as to give the federal courts jurisdiction, it is immaterial that they are administrators or executors, and that those they represent were citizens of the same State. *Chapdelaine et al. v. Decheneaux*, 4 Cranch, 306; 2 Cond. Rep. 116. *Childress et al. v. Emory et al.*, 8 Wheat. 642; 5 Cond. Rep. 547. See also *Brown v. Strobe*, 5 Cranch, 303; 2 Cond. Rep. 265. *Bingham v. Cabot*, 3 Dall. 382; 1 Cond. Rep. 170. *Gracie v. Palmer*, 8 Wheat. 699; 5 Cond. Rep. 561. *Massie v. Watts*, 6 Cranch, 148; 2 Cond. Rep. 332. *Sere et al. v. Pitot et al.*, 6 Cranch, 332; 2 Cond. Rep. 389. *Shute v. Davis, Peters' C. C. R.* 431. *Flanders v. The Ætna Ins. Com.*, 3 Mason, C. C. R. 158. *Kitchen v. Sullivan et al.*, 4 Wash. C. C. R. 84. *Briggs v. French*, 2 Sumner's C. C. R. 252.

(a) The Circuit Courts of the United States have jurisdiction of a robbery committed on the high seas under the 8th section of the act of April 30, 1790, although such robbery could not, if committed on land, be punished with death. *The United States v. Palmer et al.*, 3 Wheat. 610; 4 Cond. Rep. 352. See *The United States v. Coolidge et al.*, 1 Gallis' C. C. R. 488, 495. *The United States v. Coombs*, 12 Peters, 72.

The Circuit Courts have no original jurisdiction in suits for penalties and forfeitures arising under the laws of the United States, but the District Courts have exclusive jurisdiction. *Ketland v. The Cassius*, 2 Dall. 365.

(b) The petitioner was arrested in Pennsylvania, by the marshal of the district of Pennsylvania, under an attachment from the Circuit Court of Rhode Island, for a contempt in not appearing in that court after a monition, served upon him in the State of Pennsylvania, to answer in a prize cause as to a certain bale of goods condemned to the captors, which had come into the possession of Peter Graham, the petitioner. Held, that the circuit and district courts of the United States cannot, either in suits at law or equity, send their process into another district, except where specially authorized so to do by some act of Congress. *Ex parte Peter Graham*, 3 Wash. C. C. R. 456.

(c) *Bean v. Smith*, 2 Mason's C. C. R. 252. *Young v. Bryan*, 6 Wheat. 146; 5 Cond. Rep. 44. *Molan v. Torrance*, 9 Wheat. 537; 5 Cond. Rep. 666.

(d) *Smith v. Jackson*, Paine's C. C. R. 453.

(e) The Judge of a State Court to which an application is made for the removal of a cause into a court of the United States must exercise a legal discretion as to the right claimed to remove the cause;

Attachment of goods holden to final judgment.

Title of land where value exceeds 500 dollars.

If in Maine and Kentucky, where causes are removable. [Obsolete.]

Issues in fact by jury.

Supreme court exclusive jurisdiction.

Proceedings against public ministers.

ment of the goods or estate of the defendant by the original process, shall hold the goods or estate so attached, to answer the final judgment in the same manner as by the laws of such state they would have been holden to answer final judgment, had it been rendered by the court in which the suit commenced. And if in any action commenced in a state court, the title of land be concerned, and the parties are citizens of the same state, and the matter in dispute exceeds the sum or value of five hundred dollars, exclusive of costs, the sum or value being made to appear to the satisfaction of the court, either party, before the trial, shall state to the court and make affidavit if they require it, that he claims and shall rely upon a right or title to the land, under a grant from a state other than that in which the suit is pending, and produce the original grant or an exemplification of it, except where the loss of public records shall put it out of his power, and shall move that the adverse party inform the court, whether he claims a right or title to the land under a grant from the state in which the suit is pending; the said adverse [party] shall give such information, or otherwise not be allowed to plead such grant, or give it in evidence upon the trial, and if he informs that he does claim under such grant, the party claiming under the grant first mentioned may then, on motion, remove the cause for trial to the next circuit court to be holden in such district, or if in the district of Maine, to the court next to be holden therein; or if in Kentucky district, to the district court next to be holden therein; but if he is the defendant, shall do it under the same regulations as in the before-mentioned case of the removal of a cause into such court by an alien; and neither party removing the cause, shall be allowed to plead or give evidence of any other title than that by him stated as aforesaid, as the ground of his claim; and the trial of issues in fact in the circuit courts shall, in all suits, except those of equity, and of admiralty, and maritime jurisdiction, be by jury. (a.)

SEC. 13. *And be it further enacted*, That the Supreme Court shall have exclusive jurisdiction of all controversies of a civil nature, where a state is a party, except between a state and its citizens; and except also between a state and citizens of other states, or aliens, in which latter case it shall have original but not exclusive jurisdiction. (b.) And shall have exclusively all such jurisdiction of suits or proceedings against ambassadors, or other public ministers, or their domestics, or domestic servants, as a court of law can have or exercise consistently with the law of nations; and original, but not exclusive jurisdiction of all suits brought by ambassadors, or other public ministers, or in which a consul,

the defendant being entitled to the right to remove the cause under the law of the United States, on the facts of the case, (the judge of the State court could not legally prevent the removal;) the application for the removal having been made in proper form, it was the duty of the State court to proceed no further in the cause. *Gordon v. Longest*, 16 Peters, 97.

One great object in the establishment of the courts of the United States, and regulating their jurisdiction, was to have a tribunal in each State presumed to be free from local influence, and to which all who were non-residents or aliens, might resort for legal redress; and this object would be defeated if a judge in the exercise of any other than a legal discretion, may deny to the party entitled to it, a removal of his cause. *Ibid*.

(a) The provisions of the laws of the United States relating to juries, and trials by jury are:—*Trial by jury*—act of September 24, 1789, chap. 20, sec. 10, sec. 12, sec. 15.—*Exemption from attending on juries*—act of May 7, 1800, chap. 46, sec. 4. *Choice of jurors and qualification of juries*—act of September 24, 1789, chap. 20, sec. 29; act of May 13, 1800; act of July 20, 1840; act of March 3, 1841, chap. 19. Expired as to juries in Pennsylvania. Special jury act of April 29, 1802, chap. 31, sec. 30.—*Jury in criminal cases*—act of September 24, 1789, chap. 20, sec. 29; act of April 30, 1790, chap. 9. *Manner of summoning jurors*—act of September 24, 1789, sec. 29; act of April 29, 1802, chap. 31. *Jurymen de talibus*—act of September 24, 1789, chap. 20.

(b) As to cases in which States, or alleged States, are parties, the following cases are referred to: *The Cherokee Nation v. The State of Georgia*, 5 Peters, 1. *New Jersey v. The State of New York*, 5 Peters, 284. *Ex parte Juan Madrazo*, 7 Peters, 627. *The State of Rhode Island v. The State of Massachusetts*, 12 Peters, 651. *Cohens v. The State of Virginia*, 6 Wheat, 264; 5 Cond. Rep. 90. *New York v. Connecticut*, 4 Dall. 3. *Fowler v. Lindsay et al.*, 3 Dall. 411.

or vice consul, shall be a party.(a) And the trial of issues in fact in the Supreme Court, in all actions at law against citizens of the United States, shall be by jury. The Supreme Court shall also have appellate jurisdiction from the circuit courts and courts of the several states, in the cases herein after specially provided for;(b) and shall have power to issue writs of prohibition(c) to the district courts, when proceeding as courts of admiralty and maritime jurisdiction, and writs of *mandamus*,(d) in cases warranted by the principles and usages of law, to any courts appointed, or persons holding office, under the authority of the United States.

Sup. Court  
appellate juris-  
diction.

Writs of Pro-  
hibition.

Of Mandamus.

SEC. 14. *And be it further enacted*, That all the before-mentioned courts of the United States, shall have power to issue writs of *scire facias*, *habeas corpus*,(e) and all other writs not specially provided for

Courts may  
issue writs *scire*  
*facias*, *habeas*  
*corpus*, &c.

(a) The United States *v. Ortega*, 11 Wheat. 467; 6 Cond. Rep. 394. *Davis v. Packard*, 6 Peters, 41.  
(b) As to the appellate jurisdiction of the Supreme Court, see the cases collected in *Peters's Digest*, "Supreme Court," "Appellate Jurisdiction of the Supreme Court," and the following cases: The United States *v. Goodwin*, 7 Cranch, 108; 2 Cond. Rep. 434. *Wiscart v. Dauchy*, 3 Dall. 321; 1 Cond. Rep. 144. *United States v. Moore*, 3 Cranch, 159; 1 Cond. Rep. 480. *Owings v. Norwood's Lessee*, 5 Cranch, 344; 2 Cond. Rep. 275. *Martin v. Hunter's Lessee*, 1 Wheat. 304; 3 Cond. Rep. 575. *Gordon v. Caldeleugh*, 3 Cranch, 268; 1 Cond. Rep. 524. *Ex parte Kearney*, 7 Wheat. 38; 5 Cond. Rep. 225. *Smith v. The State of Maryland*, 6 Cranch, 286; 2 Cond. Rep. 377. *Inglee v. Coolidge*, 2 Wheat. 363; 4 Cond. Rep. 155. *Nicholls et al. v. Hodges Ex'ors*, 1 Peters, 563. *Buel et al. v. Van Ness*, 8 Wheat. 312; 5 Cond. Rep. 445. *Miller v. Nicholls*, 4 Wheat. 311; 4 Cond. Rep. 465. *Matthews v. Zane et al.*, 7 Wheat. 164; 5 Cond. Rep. 265. *McCluny v. Silliman*, 6 Wheat. 598; 5 Cond. Rep. 197. *Houston v. Moore*, 3 Wheat. 433; 3 Cond. Rep. 286. *Montgomery v. Hernandez et al.*, 12 Wheat. 129; 6 Cond. Rep. 475. *Cohens v. Virginia*, 6 Wheat. 264; 5 Cond. Rep. 90. *Gibbons v. Ogden*, 6 Wheat. 448; 5 Cond. Rep. 134. *Weston et al. v. The City Council of Charleston*, 2 Peters, 449. *Hickie v. Starke et al.*, 1 Peters, 94. *Satterlee v. Matthewson*, 2 Peters, 380. *McBride v. Hoey*, 11 Peters, 167. *Ross v. Barland et al.*, 1 Peters, 655. *The City of New Orleans v. De Armas*, 9 Peters, 224. *Crowell v. Randall*, 10 Peters, 368. *Williams v. Norris*, 12 Wheat. 117; 6 Cond. Rep. 462. *Menard v. Aspasia*, 5 Peters, 505. *Worcester v. The State of Georgia*, 6 Peters, 515. *The United States v. Moore*, 3 Cranch, 159; 1 Cond. Rep. 480.

(c) Prohibition. Where the District Court of the United States has no jurisdiction of a cause brought before it, a prohibition will be issued from the Supreme Court to prevent proceedings. *The United States v. Judge Peters*, 3 Dall. 121; 1 Cond. Rep. 60.

(d) Mandamus. The following cases have been decided on the power of the Supreme Court to issue a mandamus. *Marbury v. Madison*, 1 Cranch, 137; 1 Cond. Rep. 267. *McCluny v. Silliman*, 2 Wheat. 369; 4 Cond. Rep. 162. *United States v. Lawrence*, 3 Dall. 42; 1 Cond. Rep. 19. *United States v. Peters*, 3 Dall. 121; 1 Cond. Rep. 60. *Ex parte Burr*, 9 Wheat. 529; 5 Cond. Rep. 660. *Parker v. The Judges of the Circuit Court of Maryland*, 12 Wheat. 561; 6 Cond. Rep. 644. *Ex parte Roberts et al.*, 6 Peters, 216. *Ex parte Davenport*, 6 Peters, 661. *Ex parte Bradstreet*, 12 Peters, 174; 7 Peters, 634; 8 Peters, 588. *Life and Fire Ins. Comp. of New York v. Wilson's heirs*, 8 Peters, 291.

On a mandamus a superior court will never direct in what manner the discretion of the inferior tribunal shall be exercised; but they will, in a proper case, require an inferior court to decide. *Ibid.* *Life and Fire Ins. Comp. of New York v. Adams*, 9 Peters, 571. *Ex parte Story*, 12 Peters, 339. *Ex parte Jesse Hoyt, collector, &c.*, 13 Peters, 279.

A writ of mandamus is not a proper process to correct an erroneous judgment or decree rendered in an inferior court. This is a matter which is properly examinable on a writ of error, or an appeal to a proper appellate tribunal. *Ibid.*

Writs of mandamus from the Circuit Courts of the United States. A Circuit Court of the United States has power to issue a mandamus to a collector, commanding him to grant a clearance. *Gilchrist et al. v. Collector of Charleston*, 1 Hall's Admiralty Law Journal, 429.

The power of the Circuit Court to issue the writ of mandamus is confined exclusively to those cases in which it may be necessary to the exercise of their jurisdiction. *McIntire v. Wood*, 7 Cranch, 504; 2 Cond. Rep. 588.

The Circuit Courts of the United States have no power to issue writs of mandamus after the practice of the King's Bench; but only where they are necessary for the exercise of their jurisdiction. *Smith v. Jackson*, *Paine's C. C. R.* 453.

(e) Habeas corpus. *Ex parte Burford*, 3 Cranch, 448; 1 Cond. Rep. 594; *Ex parte Bollman*, 4 Cranch, 75; 2 Cond. Rep. 33.

The writ of habeas corpus does not lie to bring up a person confined in the prison bounds upon a *capias ad satisfaciendum*, issued in a civil suit. *Ex parte Wilson*, 6 Cranch, 52; 2 Cond. Rep. 300. *Ex parte Kearney*, 7 Wheat. 38; 5 Cond. Rep. 225.

The power of the Supreme Court to award writs of habeas corpus is conferred expressly on the court by the 14th section of the judicial act, and has been repeatedly exercised. No doubt exists respecting the power. No law of the United States prescribes the cases in which this great writ shall be issued, nor the power of the court over the party brought up by it. The term used in the constitution is one which is well understood, and the judicial act authorizes the court, and all other courts of the United States and the judges thereof to issue the writ "for the purpose of inquiring into the cause of commitment." *Ex parte Tobias Watkins*, 3 Peters, 201.

As the jurisdiction of the Supreme Court is appellate, it must be shown to the court that the court has power to award a habeas corpus, before one will be granted. *Ex parte Milburn*, 9 Peters, 704.

Act of 1793, ch. 22; act of 1807, ch. 13; act of 1818, ch. 83; act of Feb. 1819; act of May 20, 1826, ch. 124.

Limitation of writs of habeas corpus.

Parties shall produce books and writings.

Suits in equity limited.

by statute, which may be necessary for the exercise of their respective jurisdictions, and agreeable to the principles and usages of law. And that either of the justices of the supreme court, as well as judges of the district courts, shall have power to grant writs of *habeas corpus* for the purpose of an inquiry into the cause of commitment.—*Provided*, That writs of *habeas corpus* shall in no case extend to prisoners in gaol, unless where they are in custody, under or by colour of the authority of the United States, or are committed for trial before some court of the same, or are necessary to be brought into court to testify.

SEC. 15. *And be it further enacted*, That all the said courts of the United States, shall have power in the trial of actions at law, on motion and due notice thereof being given, to require the parties to produce books or writings in their possession or power, which contain evidence pertinent to the issue, in cases and under circumstances where they might be compelled to produce the same by the ordinary rules of proceeding in chancery; and if a plaintiff shall fail to comply with such order, to produce books or writings, it shall be lawful for the courts respectively, on motion, to give the like judgment for the defendant as in cases of nonsuit; and if a defendant shall fail to comply with such order, to produce books or writings, it shall be lawful for the courts respectively on motion as aforesaid, to give judgment against him or her by default.(a)

SEC. 16. *And be it further enacted*, That suits in equity shall not be sustained in either of the courts of the United States, in any case where plain, adequate and complete remedy may be had at law.(b)

The act of Congress authorizing the writ of habeas corpus to be issued "for the purpose of inquiring into the cause of commitment," applies as well to cases of commitment under civil as those of criminal process. See Chief Justice Marshall, 2 Brocken C. C. R. 447. *Ex parte Cabrera*, 1 Wash. C. C. R. 232. *United States v. French*, 1 Gallis's C. C. R. 2. *Holmes v. Jennison*, Governor of the State of Vermont, 14 Peters, 640.

(a) It is sufficient for one party to suggest that the other is in possession of a paper, which he has, under the act of Congress, given him notice to produce at the trial, without offering other proof of the fact; and the party so called upon must discharge himself of the consequences of not producing it, by affidavit or other proof that he has it not in his power to produce it. *Hylton v. Brown*, 1 Wash. C. C. R. 298.

The court will not, upon a notice of the defendant to the plaintiff to produce a title paper to the land in dispute, which is merely to defeat the plaintiff's title, compel him to do so; unless the defendant first shows title to the land. Merely showing a right of possession is not sufficient to entitle him to the aid of a court of chancery, or of the Supreme Court, to compel a discovery of papers which are merely to defeat the plaintiff's title without strengthening the defendant's. It is sufficient, in order to entitle him to call for papers to show the title to the land, although none is shown in the papers. *Ibid*.

Where one party in a cause wishes the production of papers supposed to be in the possession of the other, he must give notice to produce them: if not produced, he may give inferior evidence of their contents. But if it is his intention to nonsuit the plaintiff, or if the plaintiff requiring the papers means to obtain a judgment by default, under the 15th section of the judicial act, he is bound to give the opposite party notice that he means to move the court for an order upon him to produce the papers, or on a failure so to do, to award a nonsuit or judgment, as the case may be. *Bas v. Steele*, 3 Wash. C. C. R. 381.

No advantage can be taken of the non-production of papers, unless ground is laid for presuming that the papers were, at the time notice was given, in the possession or power of the party to whom notice was given, and that they were pertinent to the issue. In either of the cases, the party to whom notice was given may be required to prove, by his own oath, that the papers are not in his possession or power; which oath may be met by contrary proof according to the rules of equity. *Ibid*.

To entitle the defendant to nonsuit the plaintiff for not obtaining papers which he was noticed to produce, the defendant must first obtain an order of the court, under a rule that they should be produced. But this order need not be absolute when moved for, but may be nisi, unless cause be shown at the trial. *Dunham v. Riley*, 4 Wash. C. C. R. 126.

Notice to the opposite party to produce on the trial all letters in his possession, relating to monies received by him under the award of the commissioners under the Florida treaty, is sufficiently specific as they described their subject matter. If to such notice the party answer on oath that he has not a particular letter in his possession, and after diligent search could find none such, it is sufficient to prevent the offering of secondary proof of its contents. The party cannot be asked or compelled to answer whether he ever had such a letter in his possession. *Vasse v. Miffin*, 4 Wash. C. C. R. 519.

(b) The equity jurisdiction of the courts of the United States is independent of the local law of any State, and is the same in nature and extent as the equity jurisdiction of England from which it is derived. Therefore it is no objection to this jurisdiction, that there is a remedy under the local law. *Gordon v. Hobart*, 2 Sumner's C. C. R. 401.

If a case is cognizable at common law, the defendant has a right of trial by jury, and a suit upon it cannot be sustained in equity. *Baker v. Biddle*, 1 Baldwin's C. C. R. 405.

SEC. 17. *And be it further enacted*, That all the said courts of the United States shall have power to grant new trials, in cases where there has been a trial by jury for reasons for which new trials have usually been granted in the courts of law; (a) and shall have power to impose and administer all necessary oaths or affirmations, and to punish by fine or imprisonment, at the discretion of said courts, all contempts of authority in any cause or hearing before the same; (b) and to make and establish all necessary rules for the orderly conducting business in the said courts, provided such rules are not repugnant to the laws of the United States.

Courts may grant new trials.

Act of March 2, 1831, ch. 99.

SEC. 18. *And be it further enacted*, That when in a circuit court, judgment upon a verdict in a civil action shall be entered, execution may on motion of either party, at the discretion of the court, and on such conditions for the security of the adverse party as they may judge proper, be stayed forty-two days from the time of entering judgment, to give time to file in the clerk's office of said court, a petition for a new trial. And if such petition be there filed within said term of forty-two days, with a certificate thereon from either of the judges of such court, that he allows the same to be filed, which certificate he may make or refuse at his discretion, execution shall of course be further stayed to the next session of said court. (c) And if a new trial be granted, the former judgment shall be thereby rendered void.

Execution may be stayed on conditions.

SEC. 19. *And be it further enacted*, That it shall be the duty of circuit courts, in causes in equity and of admiralty and maritime jurisdiction, to cause the facts on which they found their sentence or decree, fully to appear upon the record either from the pleadings and decree itself, or a state of the case agreed by the parties, or their counsel, or if they disagree by a stating of the case by the court.

Facts to appear on record.

Altered by act of March 3, 1803, chap. 40.

SEC. 20. *And be it further enacted*, That where in a circuit court, a plaintiff in an action, originally brought there, or a petitioner in equity, other than the United States, recovers less than the sum or value of five hundred dollars, or a libellant, upon his own appeal, less than the sum or value of three hundred dollars, he shall not be allowed, but at the discretion of the court, may be adjudged to pay costs.

Costs not allowed unless 500 dollars recovered.

SEC. 21. *And be it further enacted*, That from final decrees in a district court in causes of admiralty and maritime jurisdiction, where the matter in dispute exceeds the sum or value of three hundred dollars, exclusive of costs, an appeal shall be allowed to the next circuit court,

Appeals from the district to the circuit court where matter in dispute exceeds 300 dollars.

There cannot be concurrent jurisdiction at law and equity, where the right and remedy are the same; but equity may proceed in aid of the remedy at law, by incidental and auxiliary relief; if the remedy at law is complete. Its jurisdiction is special, limited and defined; not as in England, where it depends on usage. *Ibid.*

The 16th section of the judiciary law is a declaratory act settling the law as to cases of equity jurisdiction, in the nature of a proviso, limitation or exception to its exercise. If the plaintiff have a plain, adequate and complete remedy at law, the case is not a suit in equity, under the constitution, or the judiciary act. *Ibid.*

Though the rules and principles established in English Chancery at the revolution, are adopted in the federal courts, the changes introduced there since, are not followed here; especially in matters of jurisdiction, as to which the 16th section of the act of 1789 is imperative. *Ibid.*

(a) New trials. *Calder v. Bull and Wife*, 3 Dall. 386; 1 Cond. Rep. 172. *Arnold v. Jones*, Bee's Rep. 104.

(b) Contempt of court. The courts of the United States have no common law jurisdiction of crimes against the United States. But independent of statutes, the courts of the United States have power to fine for contempts, and imprison for contumacy, and to enforce obedience to their orders, &c. *The United States v. Hudson et al.*, 7 Cranch, 32; 2 Cond. Rep. 405.

By an act passed March 2, 1831, chap. 99, it is enacted, that the power of the courts of the United States to punish for contempts shall not extend to any cases, except to misbehaviour in the presence of the court, or so near to the court as to obstruct the administration of justice, or the misbehaviour of the officers of the court in their official transactions, and disobedience or resistance by any officer of the court, party, juror, witness or any person to any writ, process, order or decree of the court. Indictments may be presented against persons impeding the proceedings of the court, &c. See the statute.

(c) Execution. The 14th section of the Judiciary act of September 24, 1789, chap. 20, authorizes the courts of the United States to issue writs of execution upon judgments which have been rendered. This section provides only for the issuing of the writ, and directs no mode of proceeding by the officer obeying its command. *Bank of the United States v. Halstead*, 10 Wheat. 51; 6 Cond. Rep. 22.

Altered by the 2d section of the act of March 3, 1803, chap. 40.

[Obsolete.]

Final decrees re-examined above 50 dollars.

Altered by the 2d section of the act of March 3, 1803, chap. 40.

And suits in equity, exceeding 2000 dollars in value.

to be held in such district. *Provided nevertheless*, That all such appeals from final decrees as aforesaid, from the district court of Maine, shall be made to the circuit court, next to be holden after each appeal in the district of Massachusetts.

SEC. 22. *And be it further enacted*, That final decrees and judgments in civil actions in a district court, where the matter in dispute exceeds the sum or value of fifty dollars, exclusive of costs, may be re-examined, and reversed or affirmed in a circuit court, holden in the same district, upon a writ of error, whereto shall be annexed and returned therewith at the day and place therein mentioned, an authenticated transcript of the record, an assignment of errors, and prayer for reversal, with a citation to the adverse party, signed by the judge of such district court, or a justice of the Supreme Court, the adverse party having at least twenty days' notice. (a) And upon a like process, may final judgments and decrees in civil actions, and suits in equity in a circuit court, brought there by original process, or removed there from courts of the several States, or removed there by appeal from a district court where the matter in dispute exceeds the sum or value of two thousand dollars, exclusive of costs, be re-examined and reversed or affirmed in the Supreme Court, the citation being in such case signed by a judge of such circuit court, or justice of the Supreme Court, and the adverse party having at least thirty days' notice. (b) But there shall be no rever-

(a) The rules, regulations and restrictions contained in the 21st and 22d sections of the judiciary act of 1789, respecting the time within which a writ of error shall be brought, and in what instances it shall operate as a supersedeas, the citation to the opposite party, the security to be given by the plaintiff in error, and the restrictions on the appellate court as to reversals in certain enumerated cases, are applicable to the act of 1803, and are to be substantially observed; except that where the appeal is prayed for at the same time when the decree or sentence is pronounced, a citation is not necessary. The *San Pedro*, 2 Wheat. 132; 4 Cond. Rep. 65.

By the 2d section of the act of March 3, 1803, chap. 40, appeals are allowed from all final judgments or decrees in any of the District courts, where the matter in dispute, exclusive of costs, shall exceed the sum or value of fifty dollars. Appeals from the Circuit Court to the Supreme Court are allowed when the sum or value, exclusive of costs exceeds \$2000. This section repeals so much of the 19th and 20th sections of the act of 1789, as comes within the purview of those provisions.

By the provisions of the act of April 2, 1816, chap. 39, appeals from the Circuit Court of the United States for the District of Columbia, are allowed when the matter in dispute in the cause exceeds \$1000, exclusive of costs.

(b) The following cases have been decided on the questions which have arisen as to the value in controversy, in a case removed by writ of error or appeal.

The verdict and judgment do not ascertain the matter in dispute between the parties. To determine this, recurrence must be had to the original controversy; to the matter in dispute when the action was instituted. *Wilson v. Daniel*, 3 Dall. 401; 1 Cond. Rep. 185.

Where the value of the matter in dispute did not appear in the record, in a case brought by writ of error, the court allowed affidavits to be taken to prove the same, on notice to the opposite party. The writ of error not to be a supersedeas. *Course v. Stead's Ex'ors*, 4 Dall. 22; 1 Cond. Rep. 217; 4 Dall. 20; 1 Cond. Rep. 215.

The Supreme Court will permit viva voce testimony to be given of the value of the matter in dispute, in a case brought up by a writ of error or by appeal. *The United States v. The Brig Union et al.*, 4 Cranch, 216; 2 Cond. Rep. 91.

The plaintiff below claimed more than \$2000 in his declaration, but obtained a verdict for a less sum. The appellate jurisdiction of the Supreme Court depends on the sum or value in dispute between the parties, as the case stands on the writ of error in the Supreme Court; not on that which was in dispute in the Circuit Court. If the writ of error be brought by the plaintiff below, then the sum the declaration shows to be due may still be recovered, should the judgment for a smaller sum be reversed; and consequently the whole sum claimed is in dispute. *Smith v. Honey*, 3 Peters, 469; *Gordon v. Ogden*, 3 Peters, 33.

In cases where the demand is not for money, and the nature of the action does not require the value of the thing to be stated in the declaration, the practice of the courts of the United States has been to allow the value to be given in evidence. *Ex parte Bradstreet*, 7 Peters, 634.

The onus probandi of the amount in controversy, to establish the jurisdiction of the Supreme Court in a case brought before it by writ of error, is upon the party seeking to obtain the revision of the case. He may prove that the value exceeds \$2000, exclusive of costs. *Hagan v. Foison*, 10 Peters, 160.

The Supreme Court has no jurisdiction in a case in which separate decrees have been entered in the Circuit Court for the wages of seamen, the decree in no one case amounting to \$2000, although the amount of the several decrees exceed that sum, and the seamen in each case claimed under the same contract. *Oliver v. Alexander*, 6 Peters, 143. See *Scott v. Lunt's Adm'rs*, 6 Peters, 349.

The Supreme Court will not compel the hearing of a cause unless the citation be served thirty days before the first day of the term. *Welsh v. Mandeville*, 5 Cranch, 321; 2 Cond. Rep. 268.

A citation must accompany the writ of error. *Lloyd v. Alexander*, 1 Cranch, 365; 1 Cond. Rep. 334.

When an appeal is prayed during the session of the court, a citation to the appellee is not necessary. *Riley, appellant, v. Lamar et al.*, 2 Cranch, 341; 1 Cond. Rep. 419.

sal in either court on such writ of error for error in ruling any plea in abatement, other than a plea to the jurisdiction of the court, or such plea to a petition or bill in equity, as is in the nature of a demurrer, or for any error in fact. And writs of error shall not be brought but within five years after rendering or passing the judgment or decree complained of, or in case the person entitled to such writ of error be an infant, *feme covert*, *non compos mentis*, or imprisoned, then within five years as aforesaid, exclusive of the time of such disability. (a) And every justice or judge signing a citation on any writ of error as aforesaid, shall take good and sufficient security, that the plaintiff in error shall prosecute his writ to effect, and answer all damages and costs if he fail to make his plea good. (b)

Writs of error limited.

Plaintiff to give security.  
Act of December 12, 1794, chap. 3.

SEC. 23. *And be it further enacted*, That a writ of error as aforesaid shall be a supersedeas and stay execution in cases only where the writ of error is served, by a copy thereof being lodged for the adverse party in the clerk's office where the record remains, within ten days, Sundays exclusive, after rendering the judgment or passing the decree complained of. Until the expiration of which term of ten days, executions shall not issue in any case where a writ of error may be a supersedeas; and whereupon such writ of error the Supreme or a circuit court shall affirm a judgment or decree, they shall adjudge or decree to the respondent in error just damages for his delay, and single or double costs at their discretion. (c)

Writ of error a supersedeas.

SEC. 24. *And be it further enacted*, That when a judgment or decree shall be reversed in a circuit court, such court shall proceed to render such judgment or pass such decree as the district court should have rendered or passed; and the Supreme Court shall do the same on reversals therein, except where the reversal is in favour of the plaintiff, or petitioner in the original suit, and the damages to be assessed, or matter to be decreed, are uncertain, in which case they shall remand the cause for a final decision. And the Supreme Court shall not issue execution in causes that are removed before them by writs of error, but shall send a special mandate to the circuit court to award execution thereupon.

Judgment or decree reversed.

SEC. 25. *And be it further enacted*, That a final judgment or decree in any suit, in the highest court of law or equity of a State in which a decision in the suit could be had, where is drawn in question the validity of a treaty or statute of, or an authority exercised under the United States, and the decision is against their validity; or where is drawn in question the validity of a statute of, or an authority exercised under any State, on the ground of their being repugnant to the constitution, treaties or laws of the United States, and the decision is in favour of such their validity, (d) or where is drawn in question the construction of any

Supreme court not to issue execution but mandate.

Cases in which judgment and decrees of the highest court of a state may be examined by the supreme court, on writ of error.

(a) An appeal under the judiciary acts of 1789 and 1803, was prayed for and allowed within five years; held to be valid, although the security was not given within five years. The mode of taking the security and the time of perfecting it, are exclusively within the control of the court below. *The Dos Hermanos*, 10 Wheat. 306; 6 Cond. Rep. 109.

(b) By the act of December 12, 1794, chap. 3, the security required to be taken on signing a citation on any writ of error which shall not be a supersedeas, and stay execution, shall only be for an amount which will be sufficient to answer for costs.

(c) Supersedeas. The Supreme Court will not quash an execution issued by the court below to enforce its decree, pending a writ of error, if the writ be not a supersedeas to the decree. *Wallen v. Williams*, 7 Cranch, 278; 2 Cond. Rep. 491.

(d) In delivering the opinion of the Supreme Court in the case of *Fisher v. Cockrell*, 5 Peters, 248, Mr. Chief Justice Marshall said: "In the argument the court has been admonished of the jealousy with which the States of the Union view the revising power entrusted by the constitution and laws to this tribunal. To observations of this character the answer uniformly has been that the course of the judicial department is marked out by law. We must tread the direct and narrow path prescribed for us. As this court has never grasped at ungranted jurisdiction, so it never will, we trust, shrink from that which is conferred upon it."

The appellate power of the Supreme Court of the United States extends to cases pending in the State courts; and the 25th section of the judiciary act, which authorizes the exercise of this jurisdiction in the specified cases by writ of error, is supported by the letter and spirit of the constitution. *Martin v. Hunter's Lessee*, 1 Wheat. 304; 3 Cond. Rep. 575.

Under the 25th section of the judiciary act of 1789, where the construction of any clause in the con-



clause of the constitution, or of a treaty, or statute of, or commission held under the United States, and the decision is against the title, right, privilege or exemption specially set up or claimed by either party, under such clause of the said Constitution, treaty, statute or commission, may be re-examined and reversed or affirmed in the Supreme Court of the United States upon a writ of error, the citation being signed by the chief justice, or judge or chancellor of the court rendering or passing the judgment or decree complained of, or by a justice of the Supreme Court of the United States, in the same manner and under the same regulations, and the writ shall have the same effect, as if the judgment or decree complained of had been rendered or passed in a circuit court, and the proceeding upon the reversal shall also be the same, except that the Supreme Court, instead of remanding the cause for a final decision as before provided, may at their discretion, if the cause shall have been once remanded before, proceed to a final decision of the same, and award execution. But no other error shall be assigned or regarded as a ground of reversal in any such case as aforesaid, than such as appears on the face of the record, and immediately respects the before men-

Proceedings  
on reversal.

No writs of  
error but as  
above mention-  
ed.

stitution or any statute of the United States is drawn in question, in any suit in a State court, the decision must be against the title or right set up by the party under such clause in the constitution or statute; otherwise the Supreme Court has no appellate jurisdiction in the case. It is not sufficient that the construction of the statute was drawn in question, and that the decision was against the title. It must appear that the title set up depended on the statute. *Williams v. Norris*, 12 Wheat. 117; 6 Cond. Rep. 462.

If the construction or validity of a treaty of the United States is drawn in question in the State courts, and the decision is against its validity, or against the title set up by either party under the treaty, the Supreme Court has jurisdiction to ascertain that title, and to determine its legal meaning; and is not confined to the abstract construction of the treaty itself. *Ibid*.

The 2d article of the constitution of the United States enables the Supreme Court to receive jurisdiction to the full extent of the constitution, laws and treaties of the United States, when any question respecting them shall assume such form that the judicial power is capable of acting upon it. That power is capable of acting only when the subject is submitted to it by a party who asserts his right in the form prescribed by law. It then becomes a case. *Osborn v. The Bank of the United States*, 6 Wheat. 738; 5 Cond. Rep. 741.

The Supreme Court has no jurisdiction under the 25th section of the act of 1789, unless the judgment or decree of the State court be a final judgment or decree. A judgment reversing that of an inferior court, and awarding a *scire facias de novo*, is not a final judgment. *Houston v. Moore*, 3 Wheat. 433; 4 Cond. Rep. 286.

The Supreme Court has no appellate jurisdiction under the 25th section of the judiciary act, unless the right, title, privilege, or exemption under a statute or commission of the United States be specially set up by the party claiming it in the State court, and the decision be against the same. *Montgomery v. Hernandez*, 12 Wheat. 129; 6 Cond. Rep. 475.

It is no objection to the exercise of the appellate jurisdiction under this section, that one party is a State, and the other a citizen of that State. *Cohens v. The State of Virginia*, 6 Wheat. 264; 5 Cond. Rep. 90.

In order to bring a case for a writ of error or an appeal to the Supreme Court from the highest court of a State within the 25th section of the judiciary act, it must appear on the face of the record: 1. That some of the questions stated in that section did arise in the State court. 2. That the question was decided in the State court as required in the section.

It is not necessary that the question shall appear in the record to have been raised, and the decision made in direct and positive terms, *ipsisimis verbis*; but it is sufficient if it appears by clear and necessary intendment that the question must have been raised, and must have been decided, in order to induce the judgment. It is not sufficient to show that a question might have arisen and been applicable to the case, unless it is further shown, on the record, that it did arise and was applied by the State Court to the case. *Crowell v. Randall*, 10 Peters, 368. See also *Williams v. Norris*, 12 Wheat. 117; 6 Cond. Rep. 462. *Jackson v. Lamphire*, 3 Peters, 280. *Menard v. Aspasia*, 5 Peters, 505. *Fisher v. Cockrell*, 5 Peters, 248. *Gelston v. Hoyt*, 3 Wheat. 246; 4 Cond. Rep. 244. *Gordon v. Caldcleugh et al.*, 3 Cranch, 268; 1 Cond. Rep. 524. *Owings v. Norwood's Lessee*, 5 Cranch, 344; 2 Cond. Rep. 275. *Buel et al. v. Van Ness*, 8 Wheat. 312; 5 Cond. Rep. 445. *Miller v. Nicholls*, 4 Wheat. 311; 4 Cond. Rep. 465. *Mathews v. Zane et al.*, 7 Wheat. 164; 5 Cond. Rep. 265. *Gibbons v. Ogden*, 6 Wheat. 448; 5 Cond. Rep. 134.

Under the 25th section of the judiciary act of 1789, three things are necessary to give the Supreme Court jurisdiction of a case brought up by writ of error or appeal: 1. The validity of a statute of the United States, or of authority exercised under a State, must be drawn in question. 2. It must be drawn in question on the ground that it is repugnant to the constitution, treaties and laws of the United States. 3. The decision of the State court must be in favour of its validity. *The Commonwealth Bank of Kentucky v. Griffith et al.*, 14 Peters, 46. See also *Pollard's heirs v. Kibbe*, 14 Peters, 353. *McCluny v. Siliman*, 6 Wheat. 598; 5 Cond. Rep. 197. *Weston et al. v. The City Council of Charleston*, 2 Peters, 449. *Hickie v. Starke et al.*, 1 Peters, 94. *Satterlee v. Mathewson*, 2 Peters, 380. *Wilson et al. v. The Blackbird Creek Marsh Association*, 2 Peters, 245. *Harris v. Dennie*, 3 Peters, 292. *McBride v. Hoey*, 11 Peters, 167. *Winn's heirs v. Jackson et al.*, 12 Wheat. 135; 6 Cond. Rep. 479. *City of New Orleans v. De Armas*, 9 Peters, 224. *Davis v. Packard*, 6 Peters, 41.

tioned questions of validity or construction of the said constitution, treaties, statutes, commissions, or authorities in dispute.(a)

SEC. 26. *And be it further enacted*, That in all causes brought before either of the courts of the United States to recover the forfeiture annexed to any articles of agreement, covenant, bond, or other speciality, where the forfeiture, breach or non-performance shall appear, by the default or confession of the defendant, or upon demurrer, the court before whom the action is, shall render judgment therein for the plaintiff to recover so much as is due according to equity. And when the sum for which judgment should be rendered is uncertain, the same shall, if either of the parties request it, be assessed by a jury.

SEC. 27. *And be it further enacted*, That a marshal shall be appointed in and for each district for the term of four years, but shall be removable from office at pleasure, whose duty it shall be to attend the district and circuit courts when sitting therein, and also the Supreme Court in the district in which that court shall sit.(b) And to execute throughout the district, all lawful precepts directed to him, and issued under the authority of the United States, and he shall have power to command all necessary assistance in the execution of his duty, and to appoint as there shall be occasion, one or more deputies,(c) who shall be removable from office by the judge of the district court, or the circuit court sitting within the district, at the pleasure of either; and before he enters on the duties of his office, he shall become bound for the faithful performance of the same, by himself and by his deputies before the judge of the district court to the United States, jointly and severally, with two good and sufficient sureties, inhabitants and freeholders of such district, to be approved by the district judge, in the sum of twenty thousand dollars, and shall take before said judge, as shall also his deputies, before they enter on the duties of their appointment, the following oath of office: "I, A. B., do solemnly swear or affirm, that I will faithfully execute all lawful precepts directed to the marshal of the district of \_\_\_\_\_, during my continuance in said office, under the authority of the United States, and true returns make, and in all things well and truly, and without malice or partiality, perform the duties of the office of marshal (or marshal's deputy, as the case may be) of the district of \_\_\_\_\_, and take only my lawful fees. So help me God."

SEC. 28. *And be it further enacted*, That in all causes wherein the marshal or his deputy shall be a party, the writs and precepts therein shall be directed to such disinterested person as the court, or any justice or judge thereof may appoint, and the person so appointed, is hereby authorized to execute and return the same. And in case of the death of any marshal, his deputy or deputies shall continue in office, unless otherwise specially removed; and shall execute the same in the name of the deceased, until another marshal shall be appointed and sworn: And the defaults or misfeasances in office of such deputy or deputies in the mean time, as well as before, shall be adjudged a breach of the condition of the bond given, as before directed, by the marshal who appointed

In cases of forfeiture the courts may give judgment according to equity.

Jury to assess damages when the sum is uncertain.

Marshal to be appointed.

Duration of office.

Act of May 15, 1820, ch. 101, 106, sec. 8.

Deputies removable by the district and circuit courts.

Sureties.

Oath of marshal, and of his deputies.

If marshal, or his deputy, a party to a suit, process to be directed to a person selected by the court.

Deputies to continue in office on the death of the marshal.

Defaults of deputies.

(a) Williams v. Norris, 6 Wheat. 117; 6 Cond. Rep. 462.

(b) A marshal is not removed by the appointment of a new one, until he receives notice of such appointment. All acts done by the marshal after the appointment of a new one, before notice, are good; but his acts subsequent to notice are void. Wallace's C. C. R. 119.

It is the duty of a marshal of a court of the United States to execute all process which may be placed in his hand, but he performs this duty at his peril, and under the guidance of law. He must, of course, exercise some judgment in the performance. Should he fail to obey the exigent of the writ without a legal excuse, or should he in its letter violate the rights of others, he is liable to the action of the injured party. Life and Fire Ins. Comp. of New York v. Adams, 9 Peters, 573.

(c) A marshal is liable on his official bond for the failure of his deputies to serve original process, but the measure of his liability is the extent of the injury received by the plaintiff, produced by his negligence. If the loss of the debt be the direct legal consequence of a failure to serve the process, the amount of the debt is the measure of the damages; but not so if otherwise. The United States v. Moore's Adm'rs, 2 Brocken's C. C. R. 317. See San Jose Indiano, 2 Gallis. C. C. R. 311. Ex parte Jesse Hoyt, collector, &c., 13 Peters, 279.

Powers of the executor or administrator of deceased marshals.

Marshal's power after removal.

Trial of cases punishable with death to be had in county.

Jurors by lot. Act of May 13, 1800, ch. 61.

Writs of venire facias from clerk's office.

Juries de talibus, &c.

Mode of proof.

Act of April 29, 1802, ch. 31, § 25.

Depositions de bene esse.

them; and the executor or administrator of the deceased marshal shall have like remedy for the defaults and misfeasances in office of such deputy or deputies during such interval, as they would be entitled to if the marshal had continued in life and in the exercise of his said office, until his successor was appointed, and sworn or affirmed: And every marshal or his deputy when removed from office, or when the term for which the marshal is appointed shall expire, shall have power notwithstanding to execute all such precepts as may be in their hands respectively at the time of such removal or expiration of office; and the marshal shall be held answerable for the delivery to his successor of all prisoners which may be in his custody at the time of his removal, or when the term for which he is appointed shall expire, and for that purpose may retain such prisoners in his custody until his successor shall be appointed and qualified as the law directs.(a)

SEC. 29. *And be it further enacted*, That in cases punishable with death, the trial shall be had in the county where the offence was committed, or where that cannot be done without great inconvenience, twelve petit jurors at least shall be summoned from thence.(b) And jurors in all cases to serve in the courts of the United States shall be designated by lot or otherwise in each State respectively according to the mode of forming juries therein now practised, so far as the laws of the same shall render such designation practicable by the courts or marshals of the United States; and the jurors shall have the same qualifications as are requisite for jurors by the laws of the State of which they are citizens, to serve in the highest courts of law of such State, and shall be returned as there shall be occasion for them, from such parts of the district from time to time as the court shall direct, so as shall be most favourable to an impartial trial, and so as not to incur an unnecessary expense, or unduly to burthen the citizens of any part of the district with such services. And writs of *venire facias* when directed by the court shall issue from the clerk's office, and shall be served and returned by the marshal in his proper person, or by his deputy, or in case the marshal or his deputy is not an indifferent person, or is interested in the event of the cause, by such fit person as the court shall specially appoint for that purpose, to whom they shall administer an oath or affirmation that he will truly and impartially serve and return such writ. And when from challenges or otherwise there shall not be a jury to determine any civil or criminal cause, the marshal or his deputy shall, by order of the court where such defect of jurors shall happen, return jurymen *de talibus circumstantibus* sufficient to complete the pannel; and when the marshal or his deputy are disqualified as aforesaid, jurors may be returned by such disinterested person as the court shall appoint.

SEC. 30. *And be it further enacted*, That the mode of proof by oral testimony and examination of witnesses in open court shall be the same in all the courts of the United States, as well in the trial of causes in equity and of admiralty and maritime jurisdiction, as of actions at common law. And when the testimony of any person shall be necessary in any civil cause depending in any district in any court of the United States, who shall live at a greater distance from the place of trial than one hundred miles, or is bound on a voyage to sea, or is about to go out of the United States, or out of such district, and to a greater distance from the place of trial than as aforesaid, before the time of trial, or is ancient or very infirm, the deposition of such person may be taken *de bene esse* before any justice or judge of any of the courts of the United States,

(a) If a debtor committed to the State jail under process of the courts of the United States escapes, the marshal is not liable. *Randolph v. Donaldson*, 9 Cranch, 76; 3 Cond. Rep. 280.

(b) The Circuit Courts of the United States are bound to try all crimes committed within the district, which are duly presented before it; but not to try them in the county where they have been committed. *The United States v. Wilson and Porter*, Baldwin's C. C. R. 78.

or before any chancellor, justice or judge of a supreme or superior court, mayor or chief magistrate of a city, or judge of a county court or court of common pleas of any of the United States, not being of counsel or attorney to either of the parties, or interested in the event of the cause, provided that a notification from the magistrate before whom the deposition is to be taken to the adverse party, to be present at the taking of the same, and to put interrogatories, if he think fit, be first made out and served on the adverse party or his attorney as either may be nearest, if either is within one hundred miles of the place of such caption, allowing time for their attendance after notified, not less than at the rate of one day, Sundays exclusive, for every twenty miles travel.(a) And in causes of admiralty and maritime jurisdiction, or other cases of seizure when a libel shall be filed, in which an adverse party is not named, and depositions of persons circumstanced as aforesaid shall be taken before a claim be put in, the like notification as aforesaid shall be given to the person having the agency or possession of the property libelled at the time of the capture or seizure of the same, if known to the libellant. And every person deposing as aforesaid shall be carefully examined and cautioned, and sworn or affirmed to testify the whole truth, and shall subscribe the testimony by him or her given after the same shall be reduced to writing, which shall be done only by the magistrate taking the deposition, or by the deponent in his presence. And the depositions so taken shall be retained by such magistrate until he deliver the same with his own hand into the court for which they are taken, or shall, together with a certificate of the reasons as aforesaid of their being taken, and of the notice if any given to the adverse party, be by him the said magistrate sealed up and directed to such court, and remain under his seal until opened in court.(b) And any person may be compelled to appear and depose as aforesaid in the same manner as to appear and testify in court. And in the trial of any cause of admiralty or maritime jurisdiction in a district court, the decree in which may be appealed from, if either party shall suggest to and satisfy the court that probably it will not be in his power to produce the witnesses there testifying before the circuit court should an appeal be had, and shall move that their testimony be taken down in writing, it shall be so done by the clerk of the court.(c) And

Adverse party to be notified.

Notice in admiralty and maritime causes.

Agent notified.

Depositions retained.

Persons may be compelled to appear and testify.  
Appeal allowed.

(a) The following cases have been decided relating to depositions taken under the provisions of this act: That the deponent is a seaman on board a gun-boat in the harbour, and liable to be ordered to some other place, and not to be able to attend the court at the time of sitting, is not a sufficient reason for taking his deposition under the act of September 24, 1789, chap. 20.

If it appear on the face of the deposition taken under the act of Congress, that the officer taking the same, was authorized by the act, it is sufficient in the first instance, without any proof that he was such officer. *Ruggles v. Bucknor*, 1 Paine's C. C. R. 358.

Objections to the competency of the witness whose deposition is taken under the act of 1789, should be made at the time of taking the deposition, if the party attend, and the objections are known to him, in order that they may be removed: otherwise he will be presumed to waive them. *United States v. Hairpencils*, 1 Paine's C. C. R. 400.

A deposition taken under the 30th section of the act of 1789 cannot be made on evidence, unless the judge before whom it was taken, certify that it was reduced to writing by himself, or by the witness in his presence. *Pettibone v. Derringer*, 4 Wash. C. C. R. 215. See *United States v. Smith*, 4 Day, 121. *North Carolina Cases*, 81.

The authority given by the act of 1789, to take depositions of witnesses in the absence of the opposite party, is in derogation of the rules of common law, and has always been construed strictly; and therefore it is necessary to establish that all the requisites have been complied with, before such testimony can be admitted. *Bell v. Morrison et al.*, 1 Peters, 351. *The Patapsco Ins. Comp. v. Southgate*, 5 Peters, 604. *The United States v. Coolidge*, 1 Gallis. C. C. R. 488. *Evans v. Hettick*, 3 Wash. C. C. R. 408. *Thomas and Henry v. The United States*, 1 Brockeb's C. C. R. 367.

The provisions of the 30th section of the act of 1789, as to taking depositions, *de bene esse*, does not apply to cases pending in the Supreme Court, but only to cases in the Circuit and District Courts. *The Argo*, 2 Wheat. 287; 4 Cond. Rep. 119.

Where there is an attorney on record, notice must in all cases be given to him. *Ibid.*

The deposition of a person residing out of the State, and more than one hundred miles from the place of trial, cannot be read in evidence. *Bleeker v. Bond*, 3 Wash. C. C. R. 529. See *Buddicum v. Kirke*, 3 Cranch, 293; 1 Cond. Rep. 535.

(b) It is a fatal objection to a deposition taken under the 30th section of the act of 1789, that it was opened out of court. *Beale v. Thompson*, 8 Cranch, 70; 3 Cond. Rep. 35.

(c) Since the act of March 3, 1803, chap. 40, in admiralty as well as in equity cases carried up to the

Act of March 3, 1803, ch. 40.

Depositions used in case of sickness, death, &c.

Dedimus potestatem as usual.

Executor or administrator may prosecute and defend.

Neglect of executor or administrator to become a party to the suit, judgment to be rendered.

Executor and administrator may have continuance.

Two plaintiffs. Surviving plaintiff may continue suit.

if an appeal be had, such testimony may be used on the trial of the same, if it shall appear to the satisfaction of the court which shall try the appeal, that the witnesses are then dead or gone out of the United States, or to a greater distance than as aforesaid from the place where the court is sitting, or that by reason of age, sickness, bodily infirmity or imprisonment, they are unable to travel and appear at court, but not otherwise. And unless the same shall be made to appear on the trial of any cause, with respect to witnesses whose depositions may have been taken therein, such depositions shall not be admitted or used in the cause. *Provided*, That nothing herein shall be construed to prevent any court of the United States from granting a *dedimus potestatem* to take depositions according to common usage, when it may be necessary to prevent a failure or delay of justice, (a) which power they shall severally possess, nor to extend to depositions taken in *perpetuam rei memoriam*, which if they relate to matters that may be cognizable in any court of the United States, a circuit court on application thereto made as a court of equity, may, according to the usages in chancery direct to be taken.

Sec. 31. *And be it [further] enacted*, That where any suit shall be depending in any court of the United States, and either of the parties shall die before final judgment, the executor or administrator of such deceased party who was plaintiff, petitioner, or defendant, in case the cause of action doth by law survive, shall have full power to prosecute or defend any such suit or action until final judgment; and the defendant or defendants are hereby obliged to answer thereto accordingly; and the court before whom such cause may be depending, is hereby empowered and directed to hear and determine the same, and to render judgment for or against the executor or administrator, as the case may require. And if such executor or administrator having been duly served with a *scire facias* from the office of the clerk of the court where such suit is depending, twenty days beforehand, shall neglect or refuse to become a party to the suit, the court may render judgment against the estate of the deceased party, in the same manner as if the executor or administrator had voluntarily made himself a party to the suit. (b) And the executor or administrator who shall become a party as aforesaid, shall, upon motion to the court where the suit is depending, be entitled to a continuance of the same until the next term of the said court. And if there be two or more plaintiffs or defendants, and one or more of them shall die, if the cause of action shall survive to the surviving plaintiff or plaintiffs, or against the surviving defendant or defendants, the writ or action shall not be thereby abated; but such death being suggested upon the record, the action shall proceed at the suit of the surviving plaintiff or plaintiffs against the surviving defendant or defendants. (c)

Supreme Court by appeal, the evidence goes with the cause, and it must consequently be in writing. 1 Gallis. C. C. R. 25; 1 Sumner's C. C. R. 328.

(a) When a foreign government refuses to suffer the commission to be executed within its jurisdiction, the Circuit Court may issue letters rogatory for the purpose of obtaining testimony according to the forms and practice of the civil law. Nelson et al. v. The United States, Peters' C. C. R. 255. See *Buddicum v. Kirke*, 3 Cranch, 293; 1 Cond. Rep. 535.

Depositions taken according to the proviso in the 30th section of the judiciary act of 1789, under a *dedimus potestatem*, according to common usage, when it may be necessary to prevent a failure or delay of justice, are, under no circumstances, to be considered as taken *de bene esse*. Sergeant's Lessee v. Biddle, 4 Wheat. 508; 4 Cond. Rep. 522.

(b) This statute embraces all cases of death before final judgment, and of course is more extensive than the 17 Car. 2, and 8 and 9 W. 3. The death may happen before or after plea pleaded, before or after issue joined, before or after verdict, or before or after interlocutory judgment; and in all these cases the proceedings are to be exactly as if the executor or administrator were a voluntary party to the suit. Hatch v. Eustis, 1 Gallis. C. C. R. 160.

(c) In real and personal actions at common law, the death of the parties before judgment abates the suit, and it requires the aid of some statutory provision to enable the suit to be prosecuted by or against the personal representatives of the deceased, where the cause of action survives. This is effected by the 31st section of the judiciary act of 1789, chap. 20. Green v. Watkins, 6 Wheat. 260; 5 Cond. Rep. 87.

In real actions the death of either party before judgment, abates the suit. The 31st section of the judiciary act of 1789, which enables the action to be prosecuted by or against the representatives of the

SEC. 32. *And be it further enacted*, That no summons, writ, declaration, return, process, judgment, or other proceedings in civil causes in any of the courts of the United States, shall be abated, arrested, quashed or reversed, for any defect or want of form, but the said courts respectively shall proceed and give judgment according as the right of the cause and matter in law shall appear unto them, without regarding any imperfections, defects, or want of form in such writ, declaration, or other pleading, return, process, judgment, or course of proceeding whatsoever, except those only in cases of demurrer, which the party demurring shall specially sit down and express together with his demurrer as the cause thereof. And the said courts respectively shall and may, by virtue of this act, from time to time, amend all and every such imperfections, defects and wants of form, other than those only which the party demurring shall express as aforesaid, and may at any time permit either of the parties to amend any defect in the process or pleadings, upon such conditions as the said courts respectively shall in their discretion, and by their rules prescribe. (a)

Writs shall not abate for defect of form.

Exceptions.

Courts may amend imperfections.

SEC. 33. *And be it further enacted*, That for any crime or offence against the United States, the offender may, by any justice or judge of the United States, or by any justice of the peace, or other magistrate of any of the United States where he may be found agreeably to the usual mode of process against offenders in such state, and at the expense of the United States, be arrested, and imprisoned or bailed, as the case may be, for trial before such court of the United States as by this act has cognizance of the offence. (b) And copies of the process shall be returned as speedily as may be into the clerk's office of such court, together with the recognizances of the witnesses for their appearance to testify in the case; which recognizances the magistrate before whom the examination shall be, may require on pain of imprisonment. And if such commitment of the offender, or the witnesses shall be in a district other than that in which the offence is to be tried, it shall be the duty of the judge of that district where the delinquent is imprisoned, seasonably to issue, and of the marshal of the same district to execute, a warrant for the removal of the offender, and the witnesses, or either of them, as the case may be, to the district in which the trial is to be had. And upon all arrests in criminal cases, bail shall be admitted, except where the punishment may be death, in which cases it shall not be admitted but by the supreme or a circuit court, or by a justice of the supreme court, or a judge of a district court, who shall exercise their discretion therein, regarding the nature and circumstances of the offence, and of the evidence, and the usages of law. And if a person committed by a justice of the supreme or a judge of a district court for an offence not punishable with death, shall afterwards procure bail, and there be no judge

Criminals against U. S. arrested by any justice of the peace.

Act of March 2, 1793, ch. 22.  
Act of July 16, 1798, ch. 83.  
Recognizance to be returned to the clerk's office.

Offender may be removed by warrant.

Bail admitted.

Bail, how taken.

deceased, when the cause of action survives, is clearly confined to personal actions. *Macker's heirs v. Thomas*, 7 Wheat. 530; 5 Cond. Rep. 334.

(a) The 32d section of the act of 1789, allowing amendments, is sufficiently comprehensive to embrace causes of appellate as well as original jurisdiction; and there is nothing in the nature of an appellate jurisdiction, proceeding according to the common law, which forbids the granting of amendments. 1 Gallis. C. C. R. 22.

If the amendment is made in the Circuit Court, the cause is heard and adjudicated in that court, and upon appeal by the Supreme Court on the new allegation. But if the amendment is allowed by the Supreme Court, the cause is remanded to the Circuit Court, with directions to allow the amendment to be made. *The Mariana Flora*, 11 Wheat. 1; 6 Cond. Rep. 201.

By the provisions of the act of Congress a variance which is merely matter of form may be amended at any time. *Scully v. Biddle*, 2 Wash. C. C. R. 200. See *Smith v. Jackson*, 1 Paine's C. C. R. 486. *Ex parte Bradstreet*, 7 Peters, 634. *Randolph v. Barrett*, 16 Peters, 136. *Hozey v. Buchanan*, 18 Peters, 215. *Woodward v. Brown*, 13 Peters, 1.

(b) The Supreme Court of the United States has jurisdiction, under the constitution and laws of the United States, to bail a person committed for trial on a criminal charge by a district judge of the United States. *The United States v. Hamilton*, 3 Dall. 13.

The circumstances of the case must be very strong, which will, at any time, induce a court to admit a person to bail, who stands charged with high treason. *The United States v. Stewart*, 2 Dall. 345.

Laws of States  
rules of deci-  
sion.

Parties may  
manage their  
own cause.

Attorney of  
the U. S. for  
each district.

His duties.

Compensation.

of the United States in the district to take the same, it may be taken by any judge of the supreme or superior court of law of such state.

SEC. 34. *And be it further enacted*, That the laws of the several states, except where the constitution, treaties or statutes of the United States shall otherwise require or provide, shall be regarded as rules of decision in trials at common law in the courts of the United States in cases where they apply. (a)

SEC. 35. *And be it further enacted*, That in all the courts of the United States, the parties may plead and manage their own causes personally or by the assistance of such counsel or attorneys at law as by the rules of the said courts respectively shall be permitted to manage and conduct causes therein. And there shall be appointed in each district a meet person learned in the law to act as attorney for the United States in such district, who shall be sworn or affirmed to the faithful execution of his office, whose duty it shall be to prosecute in such district all delinquents for crimes and offences, cognizable under the authority of the United States, and all civil actions in which the United States shall be concerned, except before the supreme court in the district in which that court shall be holden. And he shall receive as a compensation for his

(a) The 34th section of the judiciary act of 1799, does not apply to the process and practice of the courts. It merely furnishes a decision, and is not intended to regulate the remedy. *Wyman v. Southard*, 10 Wheat. 1; 6 Cond. Rep. 1.

In construing the statutes of a State, infinite mischief would ensue, should the federal courts observe a different rule from that which has long been established in the State. *M'Keen v. Delancy's lessee*, 5 Cranch, 22; 2 Cond. Rep. 179.

In cases depending on the statutes of a State, and more especially in those respecting the titles to land, the federal courts adopt the construction of the State, where that construction is settled or can be ascertained. *Polk's Lessee v. Wendall*, 9 Cranch, 87; 3 Cond. Rep. 286.

The Supreme Court uniformly acts under a desire to conform its decisions to the State courts on their local law. *Mutual Assurance Society v. Watts*, 1 Wheat. 279; 3 Cond. Rep. 570.

The Supreme Court holds in the highest respect, decisions of State Courts upon local laws, forming rules of property. *Shipp et al. v. Miller's heirs*, 2 Wheat. 316; 4 Cond. Rep. 132.

When the construction of the statute of the State relates to real property, and has been settled by any judicial decision of the State where the land lies, the Supreme Court, upon the principles uniformly adopted by it, would recognize the decision as part of the local law. *Gardner v. Collins*, 2 Peters, 58.

In construing local statutes respecting real property, the courts of the Union are governed by the decisions of State tribunals. *Thatcher et al. v. Powell*, 6 Wheat. 119; 5 Cond. Rep. 28.

The courts of the United States, in cases depending on the laws of a particular State, will in general adopt the construction given by the courts of the State, to those laws. *Elmendorf v. Taylor*, 10 Wheat. 152; 6 Cond. Rep. 47.

Under the 34th section of the judiciary act of 1799, the acts of limitation of the several States where no special provision has been made by Congress, form rules of the decision in the courts of the United States; and the same effect is given to them as is given in the State courts. *M'Cluney v. Silliman*, 3 Peters, 277.

The statute laws of the States must furnish the rules of decision to the federal courts, as far as they comport with the laws of the United States, in all cases arising within the respective States; and a fixed and received construction of these respective statute laws in their own courts, makes a part of such statute law. *Shelby et al. v. Guy*, 11 Wheat. 361; 6 Cond. Rep. 345.

The Supreme Court adopts the local law of real property as ascertained by the decisions of State courts; whether those decisions are grounded on the construction of the statutes of the State, or from a part of the unwritten law of the State, which has become a fixed rule of property. *Jackson v. Chew*, 12 Wheat. 153; 6 Cond. Rep. 489.

Soon after the decision of a case in the Circuit Court for the district of Virginia, a case was decided in the court of appeals of the State, on which the question on the execution laws of Virginia was elaborately argued, and deliberately decided. The Supreme Court, according to its uniform course, adopts the construction of the act, which is made by the highest court of the State. *The United States v. Morrison*, 4 Peters, 124.

The Supreme Court has uniformly adopted the decisions of the State tribunals, respectively, in all cases where the decision of a State court has become a rule of property. *Green v. Neal*, 6 Peters, 291.

In all cases arising under the constitution and laws of the United States, the Supreme Court may exercise a revising power, and its decisions are final and obligatory on all other tribunals, State as well as federal. A State tribunal has a right to examine any such questions, and to determine thereon, but its decisions must conform to those of the Supreme Court, or the corrective power of that court may be exercised. But the case is very different when the question arises under a local law. The decision of this question by the highest tribunal of a State, should be considered as final by the Supreme Court; not because the State tribunal has power, in such a case, to bind the Supreme Court, but because, in the language of the court in *Shelby v. Guy*, 11 Wheat. 361, a fixed and received construction by a State, in its own courts, makes a part of the statute law. *Ibid.* See also *Smith v. Clapp*, 15 Peters, 125. *Watkins v. Holman et al.*, 16 Peters, 25. *Long v. Palmer*, 16 Peters, 65. *Golden v. Price*, 3 Wash. C. C. R. 313. *Campbell v. Claudius, Peters' C. C. R.* 484. *Henderson and Wife v. Griffin*, 5 Peters, 151. *Coates' executrix v. Muse's adm'r.*, 1 Brocken's C. C. R. 539. *Parsons v. Bedford et al.*, 3 Peters, 433.

services such fees as shall be taxed therefor in the respective courts before which the suits or prosecutions shall be. And there shall also be appointed a meet person, learned in the law, to act as attorney-general for the United States, who shall be sworn or affirmed to a faithful execution of his office; whose duty it shall be to prosecute and conduct all suits in the Supreme Court in which the United States shall be concerned, and to give his advice and opinion upon questions of law when required by the President of the United States, or when requested by the heads of any of the departments, touching any matters that may concern their departments, and shall receive such compensation for his services as shall by law be provided.(a)

APPROVED, September 24, 1789.

Attorney General of the U. S.

Duties.

Act of May 29, 1830, ch. 153.

Compensation.

# STATUTE I.

## CHAP. XXI.—An Act to regulate Processes in the Courts of the United States.

Sept. 29, 1789.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all writs and processes issuing from a supreme or a circuit court shall bear test of the chief justice of the supreme court, and if from a district court, shall bear test of the judge of such court, and shall be under the seal of the court from whence they issue; and signed by the clerk thereof. The seals of the supreme and circuit courts to be provided by the supreme court, and of the district courts, by the respective judges of the same.

SEC. 2. *And be it further enacted,* That until further provision shall be made, and except where by this act or other statutes of the United States is otherwise provided, the forms of writs and executions, except their style, and modes of process and rates of fees, except fees to judges, in the circuit and district courts, in suits at common law, shall be the same in each state respectively as are now used or allowed in the supreme courts of the same.(b) And the forms and modes of proceedings in

Act of May 26, 1790. Obsolete.

Act of February 18, 1791. Repealed.

Writs to bear test of the Chief Justice.

To be under the seal of the Court from which they issue.

Act of May 8, 1792.

Act of May 19, 1828.

Forms of writs and executions

(a) The acts relating to the compensation of the Attorney General of the United States are: Act of March 2, 1797; act of March 2, 1799, chap. 38; act of February 20, 1804, chap. 12; act of February 20, 1819, chap. 27; act of May 29, 1830, chap. 153, sec. 10.

(b) The 34th section of the judiciary act of 1789, authorizes the courts of the United States to issue writs of execution as well as other writs. *Wayman v. Southard*, 10 Wheat. 1; 6 Cond. Rep. 1.

Whenever, by the state laws in force in 1789, a *capias* might issue from a state court, the acts of 1789 and 1792, extending in terms to that species of writ, must be understood to have adopted its use permanently in the federal courts. *Bank of the United States v. January*, 10 Wheat. 66—in note.

The process act of 1792, chap. 36, is the law which regulates executions issuing from the courts of the United States, and it adopts the practice of the supreme courts of the States existing in 1789, as the rule for governing proceedings on such executions, subject to such alterations as the Supreme Court of the United States may make; but not subject to the alterations which have since taken place in the State laws and practice. *Wayman v. Southard*, 10 Wheat. 1; 6 Cond. Rep. 1.

At an early period after the organization of the federal courts, the rules of practice in the State courts, which were similar to the English practice, were adopted by the judges of the Circuit Court. A subsequent change in the practice of the State courts will not authorize a departure from the rules first adopted in the Circuit Court. 1 Peters' C. C. R. 1.

Whenever by the laws of the United States a defendant may be arrested, the process of arrest employed in the State may be adopted. *Burr's trial*, 431.

The process act of 1828 was passed shortly after the decision of the Supreme Court of the United States, in the case of *Wayman v. Southard*, and the *Bank of the United States v. Halstead*, and was intended as a legislative sanction of the opinions of the court in those cases. The power given to the courts of the United States to make rules and regulations on final process, so as to conform the same to the laws of the States on the same subject, extends to future legislation; and as well to the modes of proceeding on executions as to the forms of writs. *Ross and King v. Duval et al.*, 13 Peters, 45.

The first judiciary act of 1789, chap. 20, does not contemplate compulsive process against any person, in any district, unless he be an inhabitant of, or found within the same district at the time of serving the writ. *Picquet v. Swann*, 5 Mason's C. C. R. 35.

Congress have by the constitution, exclusive authority to regulate proceedings in the courts of the United States, and the States have no authority to control those proceedings, except so far as the State process acts are adopted by Congress, or by the courts of the United States under the authority of Congress. *Wayman v. Southard*, 10 Wheat. 1; 6 Cond. Rep. 1.

The laws of the United States authorize the courts of the United States so to alter the form of process of execution used in the Supreme Court of the United States in 1789, as to subject to executions



to be the same as used in the Supreme Courts of the States.

Fees to be the same as in the Supreme Courts of the States.

#### Limitation.

causes of equity, and of admiralty and maritime jurisdiction, (a) shall be according to the course of the civil law; and the rates of fees the same as are or were last allowed by the states respectively in the court exercising supreme jurisdiction in such causes. (b) *Provided*, That on judgments in any of the cases aforesaid where different kinds of executions are issuable in succession, a *capias ad satisfaciendum* being one, the plaintiff shall have his election to take out a *capias ad satisfaciendum* in the first instance and be at liberty to pursue the same until a tender of the debt and costs in gold or silver shall be made.

SEC. 3. *And be it further enacted*, That this act shall continue in force until the end of the next session of Congress, and no longer.

APPROVED, September 29, 1789.

#### STATUTE I.

Sept. 29, 1789.

CHAP. XXII.—*An Act to explain and amend an Act, intituled "An Act for registering and clearing Vessels, regulating the Coasting Trade, and for other purposes."*

Act of Sept. 1, 1789, ch. 11.  
Repealed by Act of February 18, 1793, ch. 8.  
Goods unladen by permit and transported to a landing in the same district, to be accompanied with a certificate from the inspector or other proper officer.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That when any goods, wares or merchandise of foreign growth or manufacture, shall be unladen from any ship or vessel in virtue of a permit obtained for that purpose, and shall be put into a craft or vessel, with intent to be transported to a landing within the same district, it shall be the duty of the inspector, or other officer attending the unlading of such goods, wares and merchandise, to deliver to the master or commander of every such craft or vessel, a certificate of such goods, wares and merchandise having been duly entered, and a permit granted therefor; and such certificate shall contain a description of all the packages with their marks and numbers, and shall authorize the transportation and landing of the same, at any landing within the same district, without any further fee or permit, any thing in the said recited act to the contrary notwithstanding.

SEC. 2. *And be it further enacted*, That so much of the twenty-second section of the said recited act, as exempts vessels of less than twenty,

issuing out of the courts of the United States, lands and other property not thus subject by the State laws in force at that time. *Bank of the United States v. Halsted*, 10 Wheat. 51; 6 Cond. Rep. 22.

See *Fullerton v. The Bank of the United States*, 1 Peters, 604. *Yeaton v. Lenox*, 8 Peters, 123. *Toland v. Sprague*, 12 Peters, 300.

The process act of 1828, expressly adopts the mesne process and modes of proceeding in suits at common law, then existing in the highest State court, under the State laws, which of course included all the regulations of the State laws as to bail, and exemption of the party from arrest and imprisonment. In regard also to writs of execution, and other final process, and "the proceedings thereupon," it adopts an equally comprehensive language, and declares they shall be the same as were then used in the courts of the State. *Beers v. Houghton*, 9 Peters, 329. *The Lessee of Walden v. Craig's heirs*, 14 Peters, 147. *The United States v. Knight*, 14 Peters, 401. *Amis v. Smith*, 16 Peters, 303.

So far as the acts of Congress have adopted the forms of process and modes of proceeding and pleading in the State courts, or have authorized the courts to adopt them, and have actually adopted them, they are obligatory; and no further. But no court of the United States is authorized to adopt by rule any provision of State laws which are repugnant to, or incompatible with the positive enactment of Congress upon the jurisdiction, or practice, or proceedings of such courts. *Keary et al. v. The Farmers and Mechanics Bank of Memphis*, 16 Peters, 89. *Duncan v. Darst*, 17 Peters, 209.

(a) The act regulating processes in the courts of the United States, provides that the forms and modes of proceeding in the courts of equity, and in those of admiralty and maritime jurisdiction, shall be according to the principles, rules, and usages which belong to courts of equity, and to courts of admiralty, respectively, as contradistinguished from the courts of common law, subject, however, to alterations by the courts. This act has been generally understood to adopt the principles, rules, and usages of the court of chancery in England. *Manro v. Almedia*, 10 Wheat. 473; 6 Cond. Rep. 190.

(b) The compensation to clerks of courts are regulated by the acts of March 3, 1791, chap. 22, sec. 1; act of May 8, 1792, chap. 36, sec. 3; act of February 28, 1799, chap. 19, sec. 3; act of April 18, 1814, chap. 79; act of March 8, 1824, chap. 26; act of March 3, 1841, chap. 16. Compensation of Marshals, act of March 3, 1791, chap. 22, sec. 1; act of May 8, 1792, chap. 36, sec. 3; act of February 28, 1799, chap. 19, sec. 2; act of April 18, 1814, chap. 79; act of March 8, 1824, chap. 26; act of March 3, 1841, chap. 16.

and not less than five tons burthen, employed between any of the districts of the United States, in any bay or river, and having a license from the collector of the district to which such vessel belongs, from entering and clearing for the term of one year, be extended to vessels not exceeding fifty tons: *provided*, such vessels shall not have on board goods, wares or merchandise, other than such as are actually the growth or produce of the United States.

SEC. 3. *And be it further enacted*, That so much of an act, intituled, "An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares and merchandises imported into the United States," as hath rated the ruble of Russia at one hundred cents, be, and the same is hereby repealed and made null and void.

APPROVED, September 29, 1789.

Exemption of vessels under 20 tons, from entering and clearing extended to vessels of 50 tons having on board goods, &c., the growth or produce of the U. S.

Act of July 31, 1789.

Act of Sept. 1, 1789.

Ruble of Russia, rate of. Repealed.

#### STATUTE I.

CHAP. XXIII.—*An Act making Appropriations for the Service of the present year.*

Sept. 29, 1789.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there be appropriated for the service of the present year, to be paid out of the monies which arise, either from the requisitions heretofore made upon the several states, or from the duties on impost and tonnage, the following sums, viz. A sum not exceeding two hundred and sixteen thousand dollars for defraying the expenses of the civil list, under the late and present government; a sum not exceeding one hundred and thirty-seven thousand dollars for defraying the expenses of the department of war; a sum not exceeding one hundred and ninety thousand dollars for discharging the warrants issued by the late board of treasury, and remaining unsatisfied; and a sum not exceeding ninety-six thousand dollars for paying the pensions to invalids.

APPROVED, September 29, 1789.

[Expired.] Specific appropriations of money for expenses of civil list and war department;

also to discharge warrants of late board of treasury, and for pensions to invalids.

#### STATUTE I.

CHAP. XXIV.—*An Act providing for the payment of the Invalid Pensioners of the United States.*

Sept. 29, 1789.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the military pensions which have been granted and paid by the states respectively, in pursuance of the acts of the United States in Congress assembled, to the invalids who were wounded and disabled during the late war, shall be continued and paid by the United States, from the fourth day of March last, for the space of one year, under such regulations as the President of the United States may direct.

APPROVED, September 29, 1789.

Act of July 16, 1790, ch. 27.

[Expired.] Military pensions heretofore paid by the States to be paid from 4th March last for one year, and under what regulations.

#### STATUTE I.

CHAP. XXV.—*An Act to recognize and adapt to the Constitution of the United States the establishment of the Troops raised under the Resolves of the United States in Congress assembled, and for other purposes therein mentioned.*

Sept. 29, 1789.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the establishment contained in the resolve of the late Congress of the third day of October, one thousand seven hundred and eighty-seven, except

[Repealed.] Act of April 30, 1790, ch. 10, sec. 14.

Establishment of 3d Oct. 1787, recognized for troops in the service of U. S.

Pay and allowance of troops.

To take oath to support the Constitution, and bear allegiance to the United States.

Troops to be governed by rules and articles of war.

For protecting frontiers, President may call forth the militia.

Pay and subsistence.

Continuance of this act.

as to the mode of appointing the officers, and also as is herein after provided, be, and the same is hereby recognized to be the establishment for the troops in the service of the United States.

SEC. 2. *And be it further enacted*, That the pay and allowances of the said troops be the same as have been established by the United States in Congress assembled, by their resolution of the twelfth of April, one thousand seven hundred and eighty-five.

SEC. 3. *And be it further enacted*, That all commissioned and non-commissioned officers and privates, who are or shall be in the service of the United States, shall take the following oaths or affirmations, to wit: "I, A. B. do solemnly swear or affirm (as the case may be) that I will support the constitution of the United States." "I, A. B. do solemnly swear or affirm (as the case may be) to bear true allegiance to the United States of America, and to serve them honestly and faithfully against all their enemies or opposers whatsoever, and to observe and obey the orders of the President of the United States of America, and the orders of the officers appointed over me."

SEC. 4. *And be it further enacted*, That the said troops shall be governed by the rules and articles of war which have been established by the United States in Congress assembled, or by such rules and articles of war, as may hereafter by law be established.

SEC. 5. *And be it further enacted*, That for the purpose of protecting the inhabitants of the frontiers of the United States from the hostile incursions of the Indians, the President is hereby authorized to call into service from time to time, such part of the militia of the states respectively, as he may judge necessary for the purpose aforesaid; and that their pay and subsistence while in service, be the same as the pay and subsistence of the troops above mentioned.

SEC. 6. *And be it further enacted*, That this act shall continue and be in force until the end of the next session of Congress, and no longer.

APPROVED, September 29, 1789.

#### STATUTE I.

Sept. 29, 1789.

CHAP. XXVII.—*An Act to alter the Time for the next Meeting of Congress.*

[Expired.]

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That after the adjournment of the present session, the next meeting of Congress shall be on the first Monday in January next.

APPROVED, September 29, 1789.

#### RESOLUTIONS.

Survey directed by act of June 6, 1788, to be made and returned by Secretary of the Treasury without delay.

1. RESOLVED, That the Survey directed by Congress in their act of June the sixth, one thousand seven hundred and eighty-eight, be made and returned to the Secretary of the Treasury without delay; and that the President of the United States be requested to appoint a fit person to complete the same, who shall be allowed five dollars per day whilst actually employed in the said service, with the expenses necessarily attending the execution thereof.

APPROVED, August 26, 1789.

Recommendation to the Legislatures of the several States to pass laws making it the duty of keepers of their gaols to

2. RESOLVED *by the Senate and House of Representatives of the United States of America in Congress assembled*, That it be recommended to the legislatures of the several States to pass laws, making it expressly the duty of the keepers of their gaols, to receive and safe keep therein all prisoners committed under the authority of the United States, until they shall be discharged by due course of the laws thereof, under the

like penalties as in the case of prisoners committed under the authority of such States respectively; the United States to pay for the use and keeping of such gaols, at the rate of fifty cents per month for each prisoner that shall, under their authority, be committed thereto, during the time such prisoner shall be therein confined; and also to support such of said prisoners as shall be committed for offences.

APPROVED, September 23, 1789.

receive and keep prisoners committed under authority of the United States.

3. RESOLVED, That it shall be the duty of the Secretary of State, to procure from time to time such of the statutes of the several states as may not be in his office.

APPROVED, September 23, 1789.

Secretary of State to procure the statutes of the States.

*The Conventions of a number of the States having at the time of their adopting the Constitution expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the government will best insure the beneficent ends of its institution—*

RESOLVED by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses concurring, That the following articles be proposed to the legislatures of the several states, as amendments to the constitution of the United States, all or any of which articles, when ratified by three fourths of the said legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz. :

Amendments to the Constitution of the United States.

ARTICLES in addition to, and amendment of, the Constitution of the United States of America, proposed by Congress and ratified by the Legislatures of the several States, pursuant to the fifth article of the original Constitution.

ART. I. After the first enumeration required by the first article of the Constitution, there shall be one Representative for every thirty thousand, until the number shall amount to one hundred, after which the proportion shall be so regulated by Congress, that there shall be not less than one hundred Representatives, nor less than one Representative for every forty thousand persons, until the number of Representatives shall amount to two hundred; after which the proportion shall be so regulated by Congress, that there shall not be less than two hundred Representatives, nor more than one Representative for every fifty thousand persons.

ART. II. No law varying the compensation for the services of the Senators and Representatives shall take effect, until an election of Representatives shall have intervened.

ART. III. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ART. IV. A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

ART. V. No soldier shall in time of peace be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

ART. VI. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, sup-

Adopted.

Adopted.

Adopted.

Adopted.

ported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Adopted.

ART. VII. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use without just compensation.

Adopted.

ART. VIII. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour, and to have the assistance of counsel for his defence.

Adopted.

ART. IX. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact, tried by a jury, shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

Adopted.

ART. X. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Adopted.

ART. XI. The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Adopted.

ART. XII. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

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*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That John White, late a commissioner to settle the accounts between the United States and the states of Pennsylvania, Delaware, and Maryland, and his clerks, John Wright, and Joshua Dawson, be considered as in office until the fourth day of February, one thousand seven hundred and eighty-nine.*

APPROVED, September 29, 1789.

# ACTS OF THE FIRST CONGRESS

OF THE

## UNITED STATES,

*Passed at the second session, which was begun and held at the City of New York on Monday, the fourth day of January, 1790, and ended on the twelfth day of August, 1790.*

GEORGE WASHINGTON, President, JOHN ADAMS, Vice President of the United States, and President of the Senate, FREDERICK AUGUSTUS MUHLENBERG, Speaker of the House of Representatives.

### STATUTE II.

CHAPTER I.—*An Act for giving effect to the several acts therein mentioned, in respect to the state of North Carolina, and other purposes.*

Feb. 8, 1790.

[Obsolete.]

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the several and respective duties specified and laid, in and by the act, intituled "An act for laying a duty on goods, wares and merchandises imported into the United States;" and in and by the act, intituled "An act imposing duties on tonnage," shall be paid and collected upon all goods, wares and merchandises, which, after the expiration of thirty days from the passing of this act, shall be imported into the state of North Carolina, from any foreign port or place, and upon the tonnage of all ships and vessels, which, after the said day, shall be entered within the said state of North Carolina, subject to the exceptions, qualifications, allowances and abatements in the said acts contained or expressed; which acts shall be deemed to have the like force and operation within the said state of North Carolina, as elsewhere within the United States.

The provisions of the acts of 1789, ch. 2, and of the act of 1789, laying duties on imports and tonnage declared in force as to the state of N. Carolina after thirty days from the passing this act.

Act of July 4, 1789, ch. 2.

Act of July 20, 1789, ch. 3.

SEC. 2. *And be it further enacted,* That for the due collection of the said duties, there shall be in the said state of North Carolina five districts; one to be called the district of Wilmington, and to comprehend all the waters, shores, bays, harbours, creeks and inlets, from Little River inlet, inclusive, to New River inlet, inclusive. Another to be called the district of Newbern, and to comprehend all the waters, shores, bays, harbours, creeks and inlets, from New River inlet, exclusive, to Occacock inlet, inclusive, together with Pamticoe Sound, (except that part of it into which the Pamticoe, or Tarr and Machapunga rivers empty themselves, and which lies between the Royal Shoal extended to Machapunga Bluff, and the shoal which projects from the mouth of Pamticoe River towards the Royal Shoal.) Another to be called the district of Washington, and to comprehend all that part of Pamticoe Sound excepted out of the district of Newbern, and the waters, shores, bays, harbours, creeks and inlets adjacent to, and communicating with the same. Another to be called the district of Edenton, and to comprehend all the waters, bays, harbours, creeks and inlets from the channel between Pampticoe Sound and Albemarle Sound, inclusive. The other to be called the district of Cambden, and to comprehend North River, Pasquotank and Little Rivers, and all the waters, shores, bays, harbours, creeks and inlets, from the junction of Currituck and Albemarle Sounds, to the northern extremity of Back Bay. That in the district of Wilmington, the town of Wilmington shall be a port of entry and delivery, and Swansborough a port of delivery only; and there shall be a collector, naval officer and surveyor to reside at the said town of

And for due collection five districts established; their limits.

Ports of entry and delivery.

Wilmington, and a surveyor to reside at Swansborough. That in the district of Newbern, the town of Newbern shall be a port of entry and delivery, and the town of Beaufort a port of delivery only; and there shall be a collector to reside at Newbern, and a surveyor to reside at Beaufort. That in the district of Washington, the town of Washington shall be the sole port of entry and delivery, and there shall be a collector to reside at the same. That in the district of Edenton, the town of Edenton shall be a port of entry and delivery; and Hartford, Murpheysborough, Plymouth, Winsor, Skewarkey, Winton, and Bennet's Creek, ports of delivery; and there shall be a collector at the town of Edenton, and a surveyor at Hartford, another surveyor at Murpheysborough, one surveyor at each of the ports of Plymouth, Winsor, Skewarkey, Winton, and Bennet's Creek. That all ships or vessels intending to proceed to Hartford, Plymouth, Winsor, Skewarkey, Winton, Bennet's Creek, or Murpheysborough, shall first come to and enter at the port of Edenton. That in the district of Cambden, Plankbridge on Sawyer's Creek, shall be the port of entry and delivery, and Nixonton, Indiantown, Newbiggin Creek, Currituck Inlet, and Pasquotank River bridge, ports of delivery; and there shall be a collector at Plankbridge on Sawyer's Creek, and a surveyor at each of the ports of Nixonton, Indiantown, Currituck Inlet, Pasquotank River bridge, and Newbiggin Creek: and that the authority of the officers of each district shall extend over all the waters, shores, bays, harbours, creeks and inlets comprehended within such district.

Extent of the authority of the officers of each district.

Sole ports of entry for ships or vessels not registered or licensed, or ships &c. beyond the Cape of Good Hope.

Regulations, provisions, &c. for due collection.

Act of July 31, 1789, ch. 5.

Operation of parts of former laws declared to cease.

Act of Sept. 16, 1789, ch. 15.

Act for regulating the coasting trade, declared in force as to N. Carolina after thirty days from the passing this act.

Act of Sept. 16, 1789, ch. 11.

Part of another act revived as to R. Island and N. Carolina until the 1st of April.

SEC. 3. *And be it further enacted*, That the ports of Wilmington, Newbern, Washington, and Edenton, shall be the sole ports of entry within the said state of North Carolina, for ships or vessels not registered or licensed within the United States, according to law, and for all ships or vessels whatsoever, which shall arrive from the Cape of Good Hope, or any place beyond the same.

SEC. 4. *And be it further enacted*, That all the regulations, provisions, exceptions, allowances, compensations, directions, authorities, penalties, forfeitures, and other matters whatsoever, contained or expressed in the act, intituled "An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares and merchandises imported into the United States," and not locally inapplicable, shall have the like force and effect within the said state of North Carolina, for the collection of the said duties, as elsewhere within the United States, and as if the same were repeated and re-enacted in this present act.

SEC. 5. *Provided always, and be it declared*, That the thirty-ninth section of the said act, and the third section of an act, intituled "An act to suspend part of an act, intituled An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandises imported into the United States, and for other purposes," did, by virtue of the adoption of the Constitution of the United States, by the said state of North Carolina, cease to operate in respect to the same.

SEC. 6. *And be it further enacted and declared*, That the act intituled "An act for registering and clearing vessels, regulating the coasting trade, and for other purposes," shall, after the expiration of thirty days from the passing of this act, have the like force and operation within the said state of North Carolina, as elsewhere within the United States, and as if the several clauses thereof were repeated and re-enacted in this present act.

SEC. 7. *And be it further enacted*, That the second section of the act, intituled "An act to suspend part of an act, intituled An act to regulate the collection of duties imposed by law on the tonnage of ships or vessels, and on goods, wares and merchandises imported into the United States,

and for other purposes," passed the sixteenth day of September last, shall, with respect to the inhabitants and citizens of the state of Rhode Island and Providence Plantations, be revived, and also that the fourth section of the said act shall be revived, and both continue in force until the first day of April next, and no longer.

APPROVED, February 8, 1790.

Act of Sept.  
16, 1789, ch. 15.

STATUTE II.

March 1, 1790.

CHAP. II.—*An Act providing for the enumeration of the Inhabitants of the United States.* (a)

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the marshals of the several districts of the United States shall be, and they are hereby authorized and required to cause the number of the inhabitants within their respective districts to be taken; omitting in such enumeration Indians not taxed, and distinguishing free persons, including those bound to service for a term of years, from all others; distinguishing also the sexes and colours of free persons, and the free males of sixteen years and upwards from those under that age; for effecting which purpose the marshals shall have power to appoint as many assistants within their respective districts as to them shall appear necessary; assigning to each assistant a certain division of his district, which division shall consist of one or more counties, cities, towns, townships, hundreds or parishes, or of a territory plainly and distinctly bounded by water courses, mountains, or public roads. The marshals and their assistants shall respectively take an oath or affirmation, before some judge or justice of the peace, resident within their respective districts, previous to their entering on the discharge of the duties by this act required. The oath or affirmation of the marshal shall be, "I, A. B. marshal of the district of \_\_\_\_\_ do solemnly swear (or affirm) that I will well and truly cause to be made, a just and perfect enumeration and description of all persons resident within my district, and return the same to the President of the United States, agreeably to the directions of an act of Congress, intituled 'An act providing for the enumeration of the inhabitants of the United States,' according to the best of my ability." The oath or affirmation of an assistant shall be, "I, A. B. do solemnly swear (or affirm) that I will make a just and perfect enumeration and description of all persons resident within the division assigned to me by the marshal of the district of \_\_\_\_\_ and make due return thereof to the said marshal, agreeably to the directions of an act of Congress, intituled 'An act providing for the enumeration of the inhabitants of the United States,' according to the best of my ability." The enumeration shall commence on the first Monday in August next, and shall close within nine calendar months thereafter. The several assistants shall, within the said nine months, transmit to the marshals by whom they shall be respectively appointed, accurate returns of all persons, except Indians not taxed, within their respective divisions, which returns shall be made in a schedule, distinguishing the several families by the names of their master, mistress, steward, overseer, or other principal person therein, in manner following, that is to say:

The number of persons within my division, consisting of \_\_\_\_\_ appears in a schedule hereto annexed, subscribed by me this day of \_\_\_\_\_ 1790

A. B. assistant to the marshal of \_\_\_\_\_

[Obsolete.]

Marshals in the several districts of the U. States to take the enumeration.

Mode of enumeration.

May appoint assistants.

Marshals and assistants to take an oath.

Form of the oath.

The enumeration, to commence on the first Monday in August, 1790, and close in nine months.

Returns to be by schedule.

(a) The acts providing for taking a census of the inhabitants of the United States, subsequent to this act, have been: 1800.—Act of February 28, 1800, chap. 12; act of April 12, 1800, chap. 23. 1810.—Act of March 26, 1810, chap. 17; act of May 1, 1810; act of March 2, 1811, chap. 34; act of March 3, 1811, chap. 44. 1820.—Act of March 14, 1820. 1830.—Act of March 23, 1830, chap. 39. 1840.—Act of March 3, 1839, chap. 79; act of February 26, 1840, chap. 3; act of Jan. 14, 1841, chap. 3; act of September 1, 1841, chap. 15; resolution September 1, 1841.



Form of the  
schedule.

*Schedule of the whole Number of Persons within the Division allotted to  
A. B.*

Names of heads of families.	Free white males of sixteen years and upwards, in- cluding heads of families.	Free white males under sixteen years.	Free white fe- males, including heads of families.	All other free persons.	Slaves.
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Assistant fail-  
ing to make a  
return, or mak-  
ing false return,  
penalty on.

SEC. 2. *And be it further enacted*, That every assistant failing to make return, or making a false return of the enumeration to the marshal, within the time by this act limited, shall forfeit the sum of two hundred dollars.

Marshals to  
file return with  
the clerks of the  
district courts,  
and transmit the  
aggregate a-  
mount thereof  
to the President,  
on or before the  
1st of Sept.  
1791;

SEC. 3. *And be it further enacted*, That the marshals shall file the several returns aforesaid, with the clerks of their respective district courts, who are hereby directed to receive and carefully preserve the same: And the marshals respectively shall, on or before the first day of September, one thousand seven hundred and ninety-one, transmit to the President of the United States, the aggregate amount of each description of persons within their respective districts. And every marshal failing to file the returns of his assistants, or any of them, with the clerks of their respective district courts, or failing to return the aggregate amount of each description of persons in their respective districts, as the same shall appear from said returns, to the President of the United States, within the time limited by this act, shall, for every such offence, forfeit the sum of eight hundred dollars; all which forfeitures shall be recoverable in the courts of the districts where the offences shall be committed, or in the circuit courts to be held within the same, by action of debt, information or indictment; the one half thereof to the use of the United States, and the other half to the informer; but where the prosecution shall be first instituted on behalf of the United States, the whole shall accrue to their use. And for the more effectual discovery of offences, the judges of the several district courts, at their next sessions to be held after the expiration of the time allowed for making the returns of the enumeration hereby directed, to the President of the United States, shall give this act in charge to the grand juries, in their respective courts, and shall cause the returns of the several assistants to be laid before them for their inspection.

penalty for fail-  
ing so to do.

Forfeitures  
how recovera-  
ble,

and discovered.

Assistants,  
rate of compen-  
sation to.

SEC. 4. *And be it further enacted*, That every assistant shall receive at the rate of one dollar for every one hundred and fifty persons by him returned, where such persons reside in the country; and where such persons reside in a city, or town, containing more than five thousand persons, such assistant shall receive at the rate of one dollar for every three hundred persons; but where, from the dispersed situation of the inhabitants in some divisions, one dollar for every one hundred and fifty persons shall be insufficient, the marshals, with the approbation of the judges of their respective districts, may make such further allowance to the assistants in such divisions as shall be deemed an adequate compensation, provided the same does not exceed one dollar for every fifty persons by them returned. The several marshals shall receive as follows: The marshal of the district of Maine, two hundred dollars; the marshal of the district of New Hampshire, two hundred dollars; the marshal of the district of Massachusetts, three hundred dollars; the marshal of the district of Connecticut, two hundred dollars; the marshal of the district of New York, three hundred dollars; the marshal of the district of New Jersey, two hundred dollars; the marshal of the district of Pennsylvania, three hundred dollars; the marshal of the district of Delaware, one hundred dollars; the marshal of the district of Maryland, three hundred dollars; the marshal of the district of Virginia, five hundred dollars; the marshal of the district of Kentucky, two hundred and fifty dollars; the marshal of the district of North Carolina, three hundred and fifty dol-

Marshals,  
their compensa-  
tion.

lars; the marshal of the district of South Carolina, three hundred dollars; the marshal of the district of Georgia, two hundred and fifty dollars. And to obviate all doubts which may arise respecting the persons to be returned, and the manner of making returns,

SEC. 5. *Be it enacted*, That every person whose usual place of abode shall be in any family on the aforesaid first Monday in August next, shall be returned as of such family; and the name of every person, who shall be an inhabitant of any district, but without a settled place of residence, shall be inserted in the column of the aforesaid schedule, which is allotted for the heads of families, in that division where he or she shall be on the said first Monday in August next, and every person occasionally absent at the time of the enumeration, as belonging to that place in which he usually resides in the United States.

SEC. 6. *And be it further enacted*, That each and every person more than sixteen years of age, whether heads of families or not, belonging to any family within any division of a district made or established within the United States, shall be, and hereby is, obliged to render to such assistant of the division, a true account, if required, to the best of his or her knowledge, of all and every person belonging to such family respectively, according to the several descriptions aforesaid, on pain of forfeiting twenty dollars, to be sued for and recovered by such assistant, the one half for his own use, and the other half for the use of the United States.

SEC. 7. *And be it further enacted*, That each assistant shall, previous to making his return to the marshal, cause a correct copy, signed by himself, of the schedule, containing the number of inhabitants within his division, to be set up at two of the most public places within the same, there to remain for the inspection of all concerned; for each of which copies the said assistant shall be entitled to receive two dollars, provided proof of a copy of the schedule having been so set up and suffered to remain, shall be transmitted to the marshal, with the return of the number of persons; and in case any assistant shall fail to make such proof to the marshal, he shall forfeit the compensation by this act allowed him.

APPROVED, March 1, 1790.

Rules for ascertaining residence.

What person of a family shall render an account of the numbers therein,

and penalty for refusing.

Copies of the schedule in each division to be set up at public places, and when.

Extended to Rhode Island by act of July 5, 1790, ch. 25.

To the state of Vermont, March 2, 1791, ch. 12.

#### STATUTE II.

March 26, 1790.

Repealed by act of January 29, 1795, ch. 20. Alien whites may become citizens, and how.

#### CHAP. III.—*An Act to establish an uniform Rule of Naturalization.*(a)

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That any alien, being a free white person, who shall have resided within the limits and under the jurisdiction of the United States for the term of two years, may be admitted to become a citizen thereof, on application to any common law court of record, in any one of the states wherein he shall have resided for the term of one year at least, and making proof to the satisfaction of such court, that he is a person of good character, and taking the oath or affirmation prescribed by law, to support the constitution of the United States, which oath or affirmation such court shall administer; and the clerk of such court shall record such application, and the pro-

(a) This act was repealed by an act passed January 29, 1795, chap. 20.

The acts relating to naturalization subsequent to the act of March 26, 1790, have been: "An act to establish an uniform rule of naturalization, and to repeal the acts heretofore passed on that subject," January 29, 1795, chap. 20. Repealed April 14, 1802.

An act to establish an uniform rule of naturalization, and to repeal the acts heretofore passed on the subject, passed April 14, 1802, chap. 28.

An act in addition to an act entitled, "An act to establish an uniform rule of naturalization, and to repeal the acts heretofore passed on the subject," passed March 26, 1804, chap. 47.

An act relative to evidence in cases of naturalization, passed March 22, 1816, chap. 32.

An act in further addition to "An act to establish an uniform rule of naturalization, and to repeal the acts heretofore passed on that subject," passed May 26, 1824, chap. 186.

An act to amend the acts concerning naturalization, passed May 24, 1828, chap. 116.

Their children residing here, deemed citizens.

Also, children of citizens born beyond sea, &c. Exceptions.

ceedings thereon; and thereupon such person shall be considered as a citizen of the United States. And the children of such persons so naturalized, dwelling within the United States, being under the age of twenty-one years at the time of such naturalization, shall also be considered as citizens of the United States. And the children of citizens of the United States, that may be born beyond sea, or out of the limits of the United States, shall be considered as natural born citizens: *Provided*, That the right of citizenship shall not descend to persons whose fathers have never been resident in the United States: *Provided also*, That no person heretofore proscribed by any state, shall be admitted a citizen as aforesaid, except by an act of the legislature of the state in which such person was proscribed. (a)

APPROVED, March 26, 1790.

#### STATUTE II.

March 26, 1790.

CHAP. IV.—*An Act making appropriations for the support of government for the year one thousand seven hundred and ninety.*

Appropriations of monies arising from duties, for the civil list.

War department;

Pensions to invalids.

Incidental expenses of Congress.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there be appropriated for the service of the year one thousand seven hundred and ninety, to be paid out of the monies arising from the duties on imports and tonnage, the following sums, to wit: A sum not exceeding one hundred and forty-one thousand, four hundred and ninety-two dollars, and seventy-three cents, for defraying the expenses of the civil list, as estimated by the Secretary of the Treasury, in the statement annexed to his report made to the House of Representatives on the ninth day of January last, including therein the contingencies of the several executive offices which are hereby authorized and granted; and also, a sum not exceeding one hundred and fifty-five thousand, five hundred and thirty-seven dollars, and seventy-two cents, for defraying the expenses of the department of war; and the farther sum of ninety-six thousand, nine hundred and seventy-nine dollars, and seventy-two cents, for paying the pensions which may become due to the invalids, as estimated in the statements accompanying the aforesaid report.

SEC. 2. *And be it further enacted*, That all the expenses arising from, and incident to the sessions of Congress, which may happen in the course of the aforesaid year, agreeably to laws heretofore passed, shall be defrayed out of the monies arising from the aforesaid duties on imports and tonnage.

(a) The power of naturalization is exclusively in Congress. *Chirac v. Chirac*, 2 Wheat. 259; 4 Cond. Rep. 111.

A naturalized citizen, who in time of peace, returns to his native country for the purpose of trade, but with the intention of returning again to his adopted country, continuing in the former, a year after the war between the two countries, for the purpose of winding up his business, engaging in no new commercial transactions with the enemy, and then returning to his adopted country, has gained a domicile in his native country, and his goods are subject to condemnation. *The Frances*, 8 Cranch, 335; 3 Cond. Rep. 154.

The various acts on the subject of naturalization submit the decision upon the right of aliens to courts of record. They are to receive testimony; to compare it with the law; and to judge on both law and fact. If their judgment is entered on record in legal form, it closes all inquiry, and like other judgments, is complete evidence of its own validity. *Spratt v. Spratt*, 4 Peters, 393.

It need not appear by the record of naturalization, that all the requisites presented by law, for the admission of aliens to the rights of citizenship, have been complied with. *Starke v. The Chesapeake Ins. Comp.*, 7 Cranch, 420; 2 Cond. Rep. 556.

A certificate by a competent court, that an alien has taken the oath prescribed by the act respecting naturalization, raises the presumption that the court was satisfied as to the moral character of the alien, and of his attachment to the principles of the constitution of the United States. The oath when taken, confers the rights of a citizen. It is not necessary that there should be an order of court admitting him to be a citizen.

The children of persons duly naturalized before the 14th of April, 1802, being under age at the time of the naturalization of their parent, were, if dwelling in the United States on the 14th of April, 1802, to be considered as citizens of the United States. *Campbell v. Gordon*, 6 Cranch, 176; 2 Cond. Rep. 342. See also *ex parte Newman*, 2 Gallis' C. C. R. 11; *Peters' C. C. R.* 457.

SEC. 3. *And be it further enacted*, That the President of the United States be authorized to draw from the treasury a sum not exceeding ten thousand dollars, for the purpose of defraying the contingent charges of government, to be paid out of the monies arising as aforesaid from the duties on imports and tonnage; and that he cause a regular statement and account of such expenditures to be laid before Congress at the end of the year.

Contingent charges of government.

SEC. 4. *And be it further enacted*, That a sum not exceeding one hundred and forty-seven thousand, one hundred and sixty-nine dollars, and fifty-four cents, be appropriated out of the monies arising as aforesaid from the duties on imports and tonnage, for discharging the demands which exist against the United States, as specified by the Secretary of the Treasury in his report made to the House of Representatives on the first of March instant, including therein a provision for building a light-house on Cape Henry in the State of Virginia, and for defraying the expenses arising from the act, intituled "An act for the establishment and support of light-houses, beacons, buoys, and public piers."

Certain specific demands; and

For building a light-house on Cape Henry.

SEC. 5. *And be it further enacted*, That out of the aforesaid appropriation of one hundred and forty-seven thousand one hundred and sixty-nine dollars and fifty-four cents, the payment of the following sums, not heretofore provided for by law, and estimated in the aforesaid report of the Secretary of the Treasury of the first of March instant, is hereby authorized and intended to be made, to wit: For the expenses of the late office of foreign affairs, six hundred and fifty dollars: To Roger Alden, for his services, including his office expenses, and the allowance to his clerks, eight hundred and seventy-three dollars, and seventy cents: To the late commissioner for settling the accounts of the departments of the late quartermaster-general, and commissaries-general of purchases and issues, for his own and clerk's services, from the eighth of May to the first of August, one thousand seven hundred and eighty-nine, one thousand and ten dollars, and fifty-five cents: To the late commissioner for settling the accounts of the late marine, clothing, and hospital departments, for his own and clerk's services, from the eighth of May to the third of August, one thousand seven hundred and eighty-nine, six hundred and twenty-eight dollars, and twenty-six cents: To the late commissioner for adjusting the accounts of the secret and commercial committees of Congress, for his salary from the first of July to the third of August, one thousand seven hundred and eighty-nine, one hundred and seventy-four dollars, and sixteen cents: For defraying the extraordinary expenses of the late President of Congress, three hundred and eighteen dollars, and fifty-three cents: For paying salaries to the late loan-officers of the several states, from the thirtieth day of June to the thirty-first day of December, one thousand seven hundred and eighty-nine, including office charges, six thousand seven hundred and twenty-five dollars: For paying the interest due on the loans made by the Secretary of the Treasury, two thousand four hundred and fourteen dollars, and sixty-one cents.

Payments, not before provided for by law, are authorized, for certain purposes.

SEC. 6. *And be it further enacted*, That the sum of one hundred and twenty dollars, be paid out of the monies arising from the aforesaid duties on imports and tonnage, to Jehoiakim M'Toksin, in full compensation for his services as an interpreter and guide in the expedition commanded by Major-general Sullivan, in the year one thousand seven hundred and seventy-nine; and also the sum of ninety-six dollars to James Mathers and Gifford Dalley, each, for services during the late recess of Congress.

For Jehoiakim M'Toksin.

James Mathers, and G. Dalley.

SEC. 7. *And be it further enacted*, That the President of the United States be authorized to empower the Secretary of the Treasury, if he shall deem it necessary, to make such loans as may be requisite to carry

President, if necessary, may authorize loans to make good

these appropriations.

into effect the foregoing appropriations, for the repayment of which the aforesaid duties on imports and tonnage shall be, and are hereby pledged.

APPROVED, March 26, 1790.

#### STATUTE II.

April 2, 1790.

Repealed by Act of March 2, 1799, chap. 22, sec. 93 and 112. Collectors, &c. not to grant clearances, until a certificate of inspection is produced.

CHAP. V.—*An Act to prevent the exportation of goods not duly inspected according to the laws of the several States.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the collectors and other officers of the customs in the several ports of the United States, be, and they are hereby directed to pay due regard to the inspection laws of the states in which they may respectively act, in such manner, that no vessel having on board goods liable to inspection, shall be cleared out until the master or other proper person shall have produced such certificate, that all such goods have been duly inspected, as the laws of the respective states do or may require to be produced to collectors or other officers of the customs.(a)

APPROVED, April 2, 1790.

#### STATUTE II.

April 2, 1790.

Recital of the deed of cession, by the senators of N. Carolina, to the United States; and

CHAP. VI.—*An Act to accept a cession of the claims of the state of North Carolina to a certain district of Western territory.*

A deed of cession having been executed, and in the Senate offered for acceptance to the United States, of the claims of the state of North Carolina, to a district of territory therein described; which deed is in the words following, viz.

*To all who shall see these Presents*

We the underwritten Samuel Johnston and Benjamin Hawkins, Senators in the Congress of the United States of America, duly and constitutionally chosen by the legislature of the State of North Carolina, send greeting.

Whereas the General Assembly of the State of North Carolina, on the day of December, in the year of our Lord one thousand seven hundred and eighty-nine, passed an act, entitled "An act for the purpose of ceding to the United States of America, certain western lands therein described," in the words following, to wit:

Whereas the United States in Congress assembled, have repeatedly and earnestly recommended to the respective states in the Union, claiming or owning vacant western territory, to make cessions of part of the same, as a further means, as well of hastening the extinguishment of the debts, as of establishing the harmony of the United States; and the inhabitants of the said western territory being also desirous that such cession should be made, in order to obtain a more ample protection than they have heretofore received: now this state, being ever desirous of doing ample justice to the public creditors, as well as the establishing the harmony of the United States, and complying with the reasonable desires of her citizens; *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the Senators of this state, in the Congress of the United States, or one of the Senators and any two of the Representatives of this state in the Congress of the United States, are hereby authorized, empowered and required to execute a deed or deeds on the part and behalf of this state, conveying to the United States of America, all right, title

of the act of the legislature of that state, by which the execution of the said deed is authorized.

(a) The laws of the United States do not require a person, in order to entitle himself to a clearance, to produce to the collector a certificate of his having complied with the inspection laws of the State, unless the law of the State requires it. *Bass et al. v. Steele*, 3 Wash. C. C. R. 381.

and claim which this state has to the sovereignty and territory of the lands situated within the chartered limits of this state, west of a line beginning on the extreme height of the Stone Mountain, at the place where the Virginia line intersects it; running thence along the extreme height of the said mountain, to the place where Wataugo river breaks through it; thence a direct course to the top of the Yellow Mountain, where Bright's road crosses the same; thence along the ridge of said mountain, between the waters of Doe river and the waters of Rock Creek, to the place where the road crosses the Iron Mountain; from thence along the extreme height of said mountain, to where Nolichucky river runs through the same; thence to the top of the Bald Mountain; thence along the extreme height of the said mountain, to the Painted Rock, on French Broad river; thence along the highest ridge of the said mountain, to the place where it is called the Great Iron or Smoaky Mountain: thence along the extreme height of the said mountain, to the place where it is called Unicoy or Unaka Mountain, between the Indian towns of Cowee and Old Chota; thence along the main ridge of the said mountain, to the southern boundary of this state, upon the following express conditions, and subject thereto—that is to say: *First*, That neither the lands nor inhabitants westward of the said mountain shall be estimated after the cession made by virtue of this act shall be accepted, in the ascertaining the proportion of this state with the United States, in the common expense occasioned by the late war. *Secondly*, That the lands laid off, or directed to be laid off by any act or acts of the General Assembly of this state, for the officers and soldiers thereof, their heirs and assigns respectively, shall be and enure to the use and benefit of the said officers, their heirs and assigns respectively; and if the bounds of the said lands already prescribed for the officers and soldiers of the continental line of this state, shall not contain a sufficient quantity of lands fit for cultivation, to make good the several provisions intended by law, that such officer or soldier, or his assignee, who shall fall short of his allotment or proportion, after all the lands fit for cultivation within the said bounds are appropriated, be permitted to take his quota, or such part thereof as may be deficient, in any other part of the said territory intended to be ceded by virtue of this act, not already appropriated. And where entries have been made agreeable to law, and titles under them not perfected by grant or otherwise, then, and in that case, the governor for the time being shall, and he is hereby required to perfect, from time to time, such titles, in such manner as if this act had never been passed. And that all entries made by, or grants made to all and every person or persons whatsoever, agreeable to law, and within the limits hereby intended to be ceded to the United States, shall have the same force and effect as if such cession had not been made; and that all and every right of occupancy and pre-emption, and every other right reserved by any act or acts to persons settled on, and occupying lands within the limits of the lands hereby intended to be ceded as aforesaid, shall continue to be in full force, in the same manner as if the cession had not been made, and as conditions upon which the said lands are ceded to the United States. And further, it shall be understood, that if any person or persons shall have, by virtue of the act, entitled “An act for opening the land-office for the redemption of specie and other certificates, and discharging the arrears due to the army,” passed in the year one thousand seven hundred and eighty-three, made his or their entry in the office usually called John Armstrong's office, and located the same to any spot or piece of ground, on which any other person or persons shall have previously located any entry or entries, that then, and in that case, the person or persons having made such entry or entries, or their assignee or assignees, shall have leave, and be at full liberty to remove the location of such entry or entries, to any lands on which no entry has been specially located, or on

Boundaries  
and conditions  
of the cession.

Boundaries  
and conditions  
of the cession.

any vacant lands included within the limits of the lands hereby intended to be ceded: *Provided*, That nothing herein contained shall extend or be construed to extend to the making good any entry or entries, or any grant or grants heretofore declared void, by any act or acts of the General Assembly of this state. *Thirdly*, That all the lands intended to be ceded by virtue of this act to the United States of America, and not appropriated as before mentioned, shall be considered as a common fund for the use and benefit of the United States of America, North Carolina inclusive, according to their respective and usual proportion in the general charge and expenditure, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever. *Fourthly*, That the territory so ceded, shall be laid out and formed into a state or states, containing a suitable extent of territory, the inhabitants of which shall enjoy all the privileges, benefits and advantages set forth in the ordinance of the late Congress, for the government of the western territory of the United States, that is to say; whenever the Congress of the United States shall cause to be officially transmitted to the executive authority of this state, an authenticated copy of the act to be passed by the Congress of the United States, accepting the cession of territory made by virtue of this act, under the express conditions hereby specified; the said Congress shall at the same time assume the government of the said ceded territory, which they shall execute in a manner similar to that which they support in the territory west of the Ohio; shall protect the inhabitants against enemies, and shall never bar or deprive them of any privileges which the people in the territory west of the Ohio enjoy: *Provided always*, That no regulations made or to be made by Congress, shall tend to emancipate slaves. *Fifthly*, That the inhabitants of the said ceded territory shall be liable to pay such sums of money, as may, from taking their census, be their just proportion of the debt of the United States, and the arrears of the requisitions of Congress on this state. *Sixthly*, That all persons indebted to this state, residing in the territory intended to be ceded by virtue of this act, shall be held and deemed liable to pay such debt or debts in the same manner, and under the same penalty or penalties as if this act had never been passed. *Seventhly*, That if the Congress of the United States do not accept the cession hereby intended to be made, in due form, and give official notice thereof to the executive of this state, within eighteen months from the passing of this act, then this act shall be of no force or effect whatsoever. *Eighthly*, That the laws in force and use in the State of North Carolina, at the time of passing this act, shall be, and continue in full force within the territory hereby ceded, until the same shall be repealed, or otherwise altered by the legislative authority of the said territory. *Ninthly*, That the lands of non-resident proprietors within the said ceded territory, shall not be taxed higher than the lands of residents. *Tenthly*, That this act shall not prevent the people now residing south of French Broad, between the rivers Tennessee and Big Pigeon, from entering their pre-emptions in that tract, should an office be opened for that purpose, under an act of the present General Assembly. *And be it further enacted by the authority aforesaid*, That the sovereignty and jurisdiction of this state, in and over the territory aforesaid, and all and every the inhabitants thereof, shall be and remain the same in all respects, until the Congress of the United States shall accept the cession to be made by virtue of this act, as if this act had never passed.

Read three times, and ratified in General Assembly, the  
day of December, A. D. 1789.

CHAS. JOHNSON, *Sp. Sen.*  
S. CABARRUS, *Sp. H. C."*

*Now therefore know ye*, That we, Samuel Johnston and Benjamin Hawkins, senators aforesaid, by virtue of the power and authority com-

mitted to us by the said act, and in the name, and for and on behalf of the said state, do, by these presents, convey, assign, transfer, and set over unto the United States of America, for the benefit of the said states, North Carolina inclusive, all right, title, and claim which the said state hath to the sovereignty and territory of the lands situated within the chartered limits of the said state, as bounded and described in the above recited act of the General Assembly, to and for the uses and purposes, and on the conditions mentioned in the said act.

Boundaries and conditions of the cession.

In witness whereof, we have hereunto subscribed our names, and affixed our seals, in the senate-chamber, at New York, this twenty-fifth day of February, in the year of our Lord, one thousand seven hundred and ninety, and in the fourteenth year of the independence of the United States of America.

SAM. JOHNSTON. (L.S.)  
BENJAMIN HAWKINS. (L.S.)

Signed, sealed, and delivered  
in the presence of  
SAM. A. OTIS.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the said deed be, and the same is hereby accepted.

Accepted.

APPROVED, April 2, 1790.

#### STATUTE II.

April 10, 1790.

Patents for useful discoveries, how applied for, and granted.

#### CHAP. VII.—An Act to promote the progress of useful Arts.(a)

*SECTION 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That upon the petition of any person or persons to the Secretary of State, the Secretary

(a) The acts passed by Congress, subsequent to this statute, relating to patents for useful inventions, have been:

1. An "act to promote the progress of useful arts; and to repeal the act heretofore made for this purpose," passed February 21, 1793. Repealed by act of July 4, 1836.
2. An act supplementary to the act entitled an "act to promote the progress of useful arts," passed June 7, 1794. Repealed by act of July 4, 1836.
3. An act to extend the privilege of obtaining patents for useful discoveries and inventions to certain persons therein mentioned, and to enlarge and define the penalties for violating the rights of patentees, passed April 17, 1800. Repealed by act of July 4, 1836.
4. An act concerning patents for useful inventions, passed July 3, 1832. Repealed by act of July 4, 1836.
5. An act concerning the issuing of patents to aliens for useful discoveries and inventions, passed July 13, 1832. Repealed by act of July 4, 1836.
6. An act to promote the progress of useful arts, and to repeal all acts heretofore made for that purpose, passed July 4, 1836.
7. An act authorizing the commissioner of the patent office to issue patents to Angier Marsh Perkins, and John Howard Ryan, passed March 31, 1838.
8. An act in addition to an act to promote the progress of the useful arts, passed March 3, 1839, chap. 87. Altered by act of August 29, 1842, chap. 262.
9. An act in addition to an act to promote the progress of the useful arts, and to repeal all acts heretofore made for that purpose, passed August 29, 1842, chap. 262.

The following cases have been decided in the courts of the United States, upon the laws granting patents for new and useful inventions:—

1. On the form and subjects of patents.—*Invention and Discovery,—the Specification and Description.*—Evans v. Eaton, 3 Wheat. 454; 4 Cond. Rep. 291. Pennock v. Dialogue, 2 Peters, 16. Grant et al. v. Raymond, 6 Peters, 218. Shaw v. Cooper, 7 Peters, 292. Prouty v. Ruggles, 16 Peters, 336. Whittemore v. Cutter, 1 Gallis. C. C. R. 429, 478. Odiorne v. Winkley, 2 Gallis. C. C. R. 51. Stearns v. Barrett, 1 Mason's C. C. R. 153. Lowell v. Lewis, 1 Mason's C. C. R. 182. Bedford v. Hunt, 1 Mason's C. C. R. 302. Kneass v. The Schuylkill Bank, 4 Wash. C. C. R. 9. Barrett et al. v. Hall et al., 1 Mason's C. C. R. 447. Odiorne v. The Amesbury Nail Factory, 2 Mason's C. C. R. 28. Moody v. Fisk et al., 2 Mason's C. C. R. 112. Langdon v. De Groot, Paine's C. C. R. 203. Goodyear v. Matthews, Paine's C. C. R. 300. Morris v. Huntingdon, Paine's C. C. R. 348. Sullivan v. Redfield et al., Paine's C. C. R. 441. Rutgen v. Kanowers, 1 Wash. C. C. R. 168. Evans v. Chambers, 2 Wash. C. C. R. 125. Evans v. Eaton, 3 Wash. C. C. R. 443; Peters' C. C. R. 322. Dixon v. Moyer, 4 Wash. C. C. R. 68. Gray et al. v. James et al., Peters' C. C. R. 394. Mellus v. Silsbee, 4 Mason's C. C. R. 108. Ames v. Howard, 1 Sumner's C. C. R. 482. Delano v. Scott, Gilpin's D. C. R. 489. Wood v. Williams, *ibid.* 517. Evans v. Jordan et al., 1 Brockenb. C. C. R. 248. Davis v. Palmer, 2 Brockenb. C. C. R. 298. Ryan v. Goodwin, 3 Sumner's C. C. R. 514. Blanchard v. Sprague, 3 Sumner's C. C. R. 279. Alden v. Dewey, 1 Story's C. C. R. 336. Prouty v. Draper, *ibid.* 568. Reed v. Cutter, *ibid.* 590. Stone v. Sprague, *ibid.* 270.

*Infringement of Patent Rights.*—Evans v. Jordon et al., 9 Cranch, 199; 3 Cond. Rep. 358. Keplenger v. De Young, 10 Wheat. 358; 6 Cond. Rep. 135. Shaw v. Cooper, 7 Peters, 292. Whittemore v. Cutter,



Repealed by the act of 21st Feb. 1793, ch. 11.

The Secretary of State, the Sec. of war, and the Attorney General, or any two of them, if they shall deem the invention, &c. useful and important, to cause letters patent to be issued.

Continuance of a patent.

Attorney General to certify the conformity of the patent with this act.

Patents to be recorded.

Specification in writing with a draft or model thereof to be delivered and filed in the office of the Secretary of State.

for the department of war, and the Attorney General of the United States, setting forth, that he, she, or they, hath or have invented or discovered any useful art, manufacture, engine, machine, or device, or any improvement therein not before known or used, and praying that a patent may be granted therefor, it shall and may be lawful to and for the said Secretary of State, the Secretary for the department of war, and the Attorney General, or any two of them, if they shall deem the invention or discovery sufficiently useful and important, to cause letters patent to be made out in the name of the United States, to bear teste by the President of the United States, reciting the allegations and suggestions of the said petition, and describing the said invention or discovery, clearly, truly and fully, and thereupon granting to such petitioner or petitioners, his, her or their heirs, administrators or assigns for any term not exceeding fourteen years, the sole and exclusive right and liberty of making, constructing, using and vending to others to be used, the said invention or discovery; which letters patent shall be delivered to the Attorney General of the United States to be examined, who shall, within fifteen days next after the delivery to him, if he shall find the same conformable to this act, certify it to be so at the foot thereof, and present the letters patent so certified to the President, who shall cause the seal of the United States to be thereto affixed, and the same shall be good and available to the grantee or grantees by force of this act, to all and every intent and purpose herein contained, and shall be recorded in a book to be kept for that purpose in the office of the Secretary of State, and delivered to the patentee or his agent, and the delivery thereof shall be entered on the record and endorsed on the patent by the said Secretary at the time of granting the same.

SEC. 2. *And be it further enacted*, That the grantee or grantees of each patent shall, at the time of granting the same, deliver to the Secretary of State a specification in writing, containing a description, accompanied with drafts or models, and explanations and models (if the nature of the invention or discovery will admit of a model) of the thing or things, by him or them invented or discovered, and described as aforesaid, in the said patents; which specification shall be so particular, and said models so exact, as not only to distinguish the invention or discovery from other things before known and used, but also to enable a workman or other person skilled in the art or manufacture, whereof it is a branch, or wherewith it may be nearest connected, to make, construct, or use the same, to the end that the public may have the full benefit thereof, after the expiration of the patent term; which specification shall be filed in the office of the said Secretary, and certified copies

1 Gallis. C. C. R. 429. Gray and Osgood v. James, Peters' C. C. R. 394. Sawin et al. v. Guild, 1 Gallis. C. C. R. 435. Lowell v. Lewis, 1 Mason's C. C. R. 182. Kneass v. The Schuylkill Bank, 4 Wash. C. C. R. 106. Barret et al. v. Hall et al., 1 Mason's C. C. R. 447. Boston Manufacturing Company v. Fiske et al., 2 Mason's C. C. R. 119. Dawson v. Follen, 2 Wash. C. C. R. 311. Evans v. Weiss, 2 Wash. C. C. R. 342. Parke v. Little et al., 3 Wash. C. C. R. 196. Evans v. Eaton, Peters' C. C. R. 322. The Philadelphia and Trenton Railroad Company v. Stimpson, 14 Peters, 448.

*Proceedings and Pleadings for Violation of Patent Rights.*—Ex parte Wood and Brundage, 9 Wheat. 603; 5 Cond. Rep. 702. Grant v. Raymond, 6 Peters, 218. Whittemore v. Cutter, 1 Gallis' C. C. R. 429. Stearns v. Barrett, 1 Mason's C. C. R. 153. Sullivan v. Redfield et al., Paine's C. C. R. 441. Executors of Fulton v. Meyers, 4 Wash. C. C. R. 220. Pettibone v. Derringer, 4 Wash. C. C. R. 215. Kneass v. The Schuylkill Bank, 4 Wash. C. C. R. 106. Dixon v. Moyer, 4 Wash. C. C. R. 68. Isaacs v. Cooper, 4 Wash. C. C. R. 259. Evans v. Kremer, Peters' C. C. R. 215. Ames v. Howard, 1 Sumner's C. C. R. 482.

*Evidence in Actions for the Violation of Patent Rights.*—Evans v. Eaton, 3 Wheat. 454; 4 Cond. Rep. 291. Evans v. Hettick, 7 Wheat. 453; 5 Cond. Rep. 317. Whittemore v. Cutter, 1 Gallis' C. C. R. 478. Odiorne v. Winkley, 2 Gallis. C. C. R. 51. Stearns v. Barrett, 1 Mason's C. C. R. 153. Kneass v. The Schuylkill Bank, 4 Wash. C. C. R. 106. Dixon v. Moyer, 4 Wash. C. C. R. 68. Evans v. Eaton, Peters' C. C. R. 322.

*Surrender and Repeal of Patents.*—Ex parte Wood and Brundage, 9 Wheat. 603; 5 Cond. Rep. 702. The Philadelphia and Trenton Railroad Company v. Stimpson, 14 Peters, 448. Shaw v. Cooper, 7 Peters, 292. Grant v. Raymond, 6 Peters, 218. Delano v. Scott, Gilpin's C. C. R. 489. Stearns v. Barrett, 1 Mason's C. C. R. 153. Morris v. Huntingdon, Paine's C. C. R. 343. See post 318.

See also Peters's Digest, *Patents for useful inventions*.

thereof, shall be competent evidence in all courts and before all jurisdictions, where any matter or thing, touching or concerning such patent, right, or privilege, shall come in question.

Certified copies in what cases to be evidence.

SEC. 3. *And be it further enacted,* That upon the application of any person to the Secretary of State, for a copy of any such specification, and for permission to have similar model or models made, it shall be the duty of the Secretary to give such copy, and to permit the person so applying for a similar model or models, to take, or make, or cause the same to be taken or made, at the expense of such applicant.

Copies of specification, and models may be taken.

SEC. 4. *And be it further enacted,* That if any person or persons shall devise, make, construct, use, employ, or vend within these United States, any art, manufacture, engine, machine or device, or any invention or improvement upon, or in any art, manufacture, engine, machine or device, the sole and exclusive right of which shall be so as aforesaid granted by patent to any person or persons, by virtue and in pursuance of this act, without the consent of the patentee or patentees, their executors, administrators or assigns, first had and obtained in writing, every person so offending, shall forfeit and pay to the said patentee or patentees, his, her or their executors, administrators or assigns such damages as shall be assessed by a jury, and moreover shall forfeit to the person aggrieved, the thing or things so devised, made, constructed, used, employed or vended, contrary to the true intent of this act, which may be recovered in an action on the case founded on this act.

Penalty for making, &c. any art, &c. for which a patent has been granted.

Damages to be assessed by a jury.

SEC. 5. *And be it further enacted,* That upon oath or affirmation made before the judge of the district court, where the defendant resides, that any patent which shall be issued in pursuance of this act, was obtained surreptitiously by, or upon false suggestion, and motion made to the said court, within one year after issuing the said patent, but not afterwards, it shall and may be lawful to and for the judge of the said district court, if the matter alleged shall appear to him to be sufficient, to grant a rule that the patentee or patentees, his, her, or their executors, administrators or assigns, show cause why process should not issue against him, her, or them, to repeal such patents; and if sufficient cause shall not be shown to the contrary, the rule shall be made absolute, and thereupon the said judge shall order process to be issued as aforesaid, against such patentee or patentees, his, her, or their executors, administrators, or assigns. And in case no sufficient cause shall be shown to the contrary, or if it shall appear that the patentee was not the first and true inventor or discoverer, judgment shall be rendered by such court for the repeal of such patent or patents; and if the party at whose complaint the process issued, shall have judgment given against him, he shall pay all such costs as the defendant shall be put to in defending the suit, to be taxed by the court, and recovered in such manner as costs expended by defendants, shall be recovered in due course of law.

Patents surreptitiously obtained,

how to be repealed.

SEC. 6. *And be it further enacted,* That in all actions to be brought by such patentee or patentees, his, her, or their executors, administrators or assigns, for any penalty incurred by virtue of this act, the said patents or specifications shall be *prima facie* evidence, that the said patentee or patentees was or were the first and true inventor or inventors, discoverer or discoverers of the thing so specified, and that the same is truly specified; but that nevertheless the defendant or defendants may plead the general issue, and give this act, and any special matter whereof notice in writing shall have been given to the plaintiff, or his attorney, thirty days before the trial, in evidence, tending to prove that the specification filed by the plaintiff does not contain the whole of the truth concerning his invention or discovery; or that it contains more than is necessary to produce the effect described; and if the concealment of part, or the addition of more than is necessary, shall appear to have been intended to

In actions for penalty, patents to be deemed *prima facie* evidence of the first discovery; but special matter may be given in evidence; and to what effect.

mislead, or shall actually mislead the public, so as the effect described cannot be produced by the means specified, then, and in such cases, the verdict and judgment shall be for the defendant.

#### Patent fees.

SEC. 7. *And be it further enacted*, That such patentee as aforesaid, shall, before he receives his patent, pay the following fees to the several officers employed in making out and perfecting the same, to wit: For receiving and filing the petition, fifty cents; for filing specifications, per copy-sheet containing one hundred words, ten cents; for making out patent, two dollars; for affixing great seal, one dollar; for indorsing the day of delivering the same to the patentee, including all intermediate services, twenty cents.

APPROVED, April 10, 1790.

#### STATUTE II.

April 15, 1790.

CHAP. VIII.—*An Act further to suspend part of an act intituled "An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares and merchandises imported into the United States," and to amend the said act.*

Repealed. Act of Aug. 4, 1790, chap. 35, sec. 74.

Restriction by a former act, on vessels bound up the Potomac, suspended until first May, 1791. Act of July 31, 1789, ch. 5.

Additional ports of delivery in Connecticut.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That so much of an act, intituled, "An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares and merchandises imported into the United States," as obliges ships or vessels bound up the river Potomac to come to, and deposit manifests of their cargoes with the officers at Saint Mary's and Yeocomico, before they proceed to their port of delivery, shall be and is hereby further suspended, from the first day of May next, to the first of May in the year one thousand seven hundred and ninety-one.

SEC. 2. *And be it further enacted, by the authority aforesaid*, That the landing places in Windsor and East Windsor, in the State of Connecticut, shall be ports of delivery, and be included in the district of New London.

APPROVED, April 15, 1790.

#### STATUTE II.

April 30, 1790.

CHAP. IX.—*An Act for the Punishment of certain Crimes against the United States.*

Act of April 2, 1792, ch. 16, sec. 19. Act of May 27, 1796, ch. 36, sec. 7. Jan. 30, 1799, ch. 1. Act of April 24, 1800, ch. 35. Act of March 26, 1804, ch. 40. Act of March 3, 1825, ch. 65. What cases shall be adjudged treason. How proved and punished. Misprision of treason.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That if any person or persons, owing allegiance to the United States of America, shall levy war against them, or shall adhere to their enemies, giving them aid and comfort within the United States or elsewhere, and shall be thereof convicted, on confession in open court, or on the testimony of two witnesses to the same overt act of the treason whereof he or they shall stand indicted, such person or persons shall be adjudged guilty of treason against the United States, and shall suffer death. (a)

SEC. 2. *And be it [further] enacted*, That if any person or persons, having knowledge of the commission of any of the treasons aforesaid, shall conceal and not as soon as may be disclose and make known the same to the President of the United States, or some one of the judges thereof, or to the president or governor of a particular state, or some one of the judges or justices thereof, such person or persons on conviction shall be adjudged guilty of misprision of treason, and shall be imprisoned not exceeding seven years, and fined not exceeding one thousand dollars.

(a) *Treason*.—To constitute a levying of war, there must be an assemblage of persons for the purpose of effecting by force, a treasonable purpose. *Ex parte Bollman and Swartwout*, 4 Cranch, 75; 2 Cond. Rep. 33. *The United States v. Vigol*, 2 Dall. 346. *The United States v. Vilatto*, 2 Dall. 370. *The United States v. The Insurgents of Pennsylvania*, 2 Dall. 335. *The United States v. Mitchell*, 2 Dall. 348. *The United States v. Stuart*, 2 Dall. 343; 1 Burr's Trial, 14; 2 Burr's Trial, 401.

SEC. 3. *And be it [further] enacted*, That if any person or persons shall, within any fort, arsenal, dock-yard, magazine, or in any other place or district of country, under the sole and exclusive jurisdiction of the United States, commit the crime of wilful murder, such person or persons on being thereof convicted shall suffer death. (a)

SEC. 4. *And be it also enacted*, That the court before whom any person shall be convicted of the crime of murder, for which he or she shall be sentenced to suffer death, may at their discretion, add to the judgment, that the body of such offender shall be delivered to a surgeon for dissection; and the marshal who is to cause such sentence to be executed, shall accordingly deliver the body of such offender, after execution done, to such surgeon as the court shall direct, for the purpose aforesaid: *Provided*, That such surgeon, or some other person by him appointed for the purpose, shall attend to receive and take away the dead body at the time of the execution of such offender.

SEC. 5. *And be it further enacted*, That if any person or persons shall, after such execution had, by force rescue or attempt to rescue the body of such offender out of the custody of the marshal or his officers, during the conveyance of such body to any place for dissection as aforesaid; or shall by force rescue or attempt to rescue such body from the house of any surgeon, where the same shall have been deposited in pursuance of this act; every person so offending, shall be liable to a fine not exceeding one hundred dollars, and an imprisonment not exceeding twelve months.

SEC. 6. *And be it [further] enacted*, That if any person or persons having knowledge of the actual commission of the crime of wilful murder or other felony, upon the high seas, or within any fort, arsenal, dock-yard, magazine, or other place or district of country, under the sole and exclusive jurisdiction of the United States, shall conceal, and not as soon as may be disclose and make known the same to some one of the judges or other persons in civil or military authority under the United States, on conviction thereof, such person or persons shall be adjudged guilty of misprision of felony, and shall be imprisoned not exceeding three years, and fined not exceeding five hundred dollars.

SEC. 7. *And be it [further] enacted*, That if any person or persons shall within any fort, arsenal, dock-yard, magazine, or other place or district of country, under the sole and exclusive jurisdiction of the United States, commit the crime of manslaughter, and shall be thereof convicted, such person or persons shall be imprisoned not exceeding three years, and fined not exceeding one thousand dollars.

SEC. 8. *And be it [further] enacted*, That if any person or persons shall commit upon the high seas, or in any river, haven, basin or bay, out of the jurisdiction of any particular state, murder or robbery, or any other offence which if committed within the body of a county, would by the

Murder in a fort or arsenal, under the exclusive jurisdiction of the U. S. to punish with death.

Act of March 3, 1825, ch. 65, sec. 4. and court may order offender's body to be dissected.

Rescue of a body ordered for dissection, punishment for.

Misprision of felony, what cases shall be judged, and how punished.

Manslaughter in a fort, arsenal, &c. how punished.

Act of March 3, 1825, ch. 65, sec. 4, 6, 7.

Act of March 3, 1829, ch. 64.

Piracy and felony, what cases shall be judged, where

(a) *Murder*.—Congress have not in the 8th section of the act of April 30, 1790, for the prevention of certain crimes against the United States, exercised the power, if any such is given by the constitution of the United States, of conferring jurisdiction on the courts of the United States of a murder committed on the waters of a State where the tide ebbs and flows. *United States v. Bevans*, 3 Wheat. 336; 4 Cond. Rep. 275.

The 3d article of the constitution of the United States, which declares that "the judicial power of the United States shall extend to all cases of admiralty and maritime jurisdiction," vests in the United States exclusive jurisdiction of all such cases; and a murder committed on the waters of a State where the tide ebbs and flows, is a case of admiralty and maritime jurisdiction. *Ibid.*

The courts of the United States have jurisdiction of a murder committed on the high seas from a vessel belonging to the United States, by a foreigner being on board of such vessel, upon another foreigner being on board of another vessel. 5 Wheat. 184; 4 Cond. Rep. 623.

The courts of the United States have jurisdiction, under the act of April 30, 1790, of a murder committed on the high seas, although not committed on board of a vessel of the United States, as if she had no national character, but was held by pirates or persons not sailing under the flag of any foreign nation. *The United States v. Holmes et al.*, 5 Wheat. 412; 4 Cond. Rep. 708. See also *United States v. Magill*, 1 Wash. C. C. R. 463. *United States v. Drew*, 5 Mason's C. C. R. 28. *United States v. Freeman*, 4 Mason's C. C. R. 505. *United States v. Ross*, 1 Gallis. C. C. R. 624. *Dexter v. Spear*, 4 Mason's C. C. R. 115. *The United States v. Cornell*, 2 Mason's C. C. R. 91.

tried and how punished.

Act of May 15, 1820, ch. 113.

Accessaries therein, how punished.

Concealing a pirate or property taken by a pirate.

laws of the United States be punishable with death; or if any captain or mariner of any ship or other vessel, shall piratically and feloniously run away with such ship or vessel, or any goods or merchandise to the value of fifty dollars, or yield up such ship or vessel voluntarily to any pirate; or if any seaman shall lay violent hands upon his commander, thereby to hinder and prevent his fighting in defence of his ship or goods committed to his trust, or shall make a revolt in the ship; every such offender shall be deemed, taken and adjudged to be a pirate and felon, and being thereof convicted, shall suffer death; and the trial of crimes committed on the high seas, or in any place out of the jurisdiction of any particular state, shall be in the district where the offender is apprehended, or into which he may first be brought. (a)

SEC. 9. *And be it [further] enacted*, That if any citizen shall commit any piracy or robbery aforesaid, or any act of hostility against the United States, or any citizen thereof, upon the high sea, under colour of any commission from any foreign prince, or state, or on pretence of authority from any person, such offender shall, notwithstanding the pretence of any such authority, be deemed, adjudged and taken to be a pirate, felon, and robber, and on being thereof convicted shall suffer death.

SEC. 10. *And be it [further] enacted*, That every person who shall, either upon the land or the seas, knowingly and wittingly aid and assist, procure, command, counsel or advise any person or persons, to do or commit any murder or robbery, or other piracy aforesaid, upon the seas, which shall affect the life of such person, and such person or persons shall thereupon do or commit any such piracy or robbery, then all and every such person so as aforesaid aiding, assisting, procuring, commanding, counselling or advising the same, either upon the land or the sea, shall be, and they are hereby declared, deemed and adjudged to be accessory to such piracies before the fact, and every such person being thereof convicted shall suffer death.

SEC. 11. *And be it [further] enacted*, That after any murder, felony, robbery, or other piracy whatsoever aforesaid, is or shall be committed by any pirate or robber, every person who knowing that such pirate or robber has done or committed any such piracy or robbery, shall on the land or at sea receive, entertain or conceal any such pirate or robber, or receive or take into his custody any ship, vessel, goods or chattels, which have been by any such pirate or robber piratically and feloniously taken, shall be, and are hereby declared, deemed and adjudged to be accessory to such piracy or robbery, after the fact; and on conviction thereof, shall be imprisoned not exceeding three years, and fined not exceeding five hundred dollars.

(a) A robbery committed on the high seas, although such robbery, if committed on land, would not, by the laws of the United States, be punishable with death, is piracy, under the 8th section of the law of the United States; and the Circuit Courts have jurisdiction thereof. *United States v. Palmer*, 3 Wheat. 610; 4 Cond. Rep. 352.

The crime of robbery as mentioned in the act, is the crime of robbery as recognized at common law. *Ibid.* See also *United States v. Klintonck*, 5 Wheat. 144; 4 Cond. Rep. 614. *The United States v. Smith*, 5 Wheat. 153; 4 Cond. Rep. 619. *United States v. Furlong et al.*, 5 Wheat. 184; 4 Cond. Rep. 623. *United States v. Holmes*, 5 Wheat. 412; 4 Cond. Rep. 708.

Pirates may be lawfully captured by the public or private ships of any nation, in peace or war, for they are *hostes humani generis*. *The Marianna Flora*, 11 Wheat. 1; 6 Cond. Rep. 201. See also *The Josefa Segunda*, 5 Wheat. 338; 4 Cond. Rep. 672. *The Palmyra*, 12 Wheat. 1; 6 Cond. Rep. 397. *The Bello Corrunnes*, 6 Wheat. 152; 5 Cond. Rep. 45.

To constitute the offence of piracy within the act of 1790, "by piratically and feloniously running away with a vessel," personal force and violence are not necessary. 1 *Gallis' C. C. R.* 247. See also *The United States v. Ross*, 1 *Gallis' C. C. R.* 624. *United States v. Kessler*, 1 *Baldwin's C. C. R.* 15. *United States v. Gibert*, 2 *Sumner's C. C. R.* 19.

In the act of April 30, 1790, the description of places contained in the 8th section, within which the offences therein enumerated must be committed, in order to give the courts of the United States jurisdiction over them, cannot be transferred to the 12th section, so as to give those courts jurisdiction over a manslaughter committed in a port of a foreign country, and not on the high seas. *The Hoppet v. The United States*, 7 Cranch, 339; 2 Cond. Rep. 542. See *United States v. Wiltberger*, 5 Wheat. 76; 4 Cond. Rep. 593.

SEC. 12. *And be it [further] enacted*, That if any seaman or other person shall commit manslaughter upon the high seas, or confederate, or attempt or endeavour to corrupt any commander, master, officer or mariner, to yield up or to run away with any ship or vessel, or with any goods, wares, or merchandise, or to turn pirate, or to go over to or confederate with pirates, or in any wise trade with any pirate knowing him to be such, or shall furnish such pirate with any ammunition, stores or provisions of any kind, or shall fit out any vessel knowingly and with a design to trade with or supply or correspond with any pirate or robber upon the seas; or if any person or persons shall any ways consult, combine, confederate or correspond with any pirate or robber on the seas, knowing him to be guilty of any such piracy or robbery; or if any seaman shall confine the master of any ship or other vessel, or endeavour to make a revolt in such ship; (a) such person or persons so offending, and being thereof convicted, shall be imprisoned not exceeding three years, and fined not exceeding one thousand dollars.

Confederacy to become pirates, how punished.  
Act of March 3, 1825, ch. 65, sec. 6, sec. 22.

SEC. 13. *And be it [further] enacted*, That if any person or persons, within any of the places upon the land under the sole and exclusive jurisdiction of the United States, or upon the high seas, in any vessel belonging to the United States, or to any citizen or citizens thereof, on purpose and of malice aforethought, shall unlawfully cut off the ear or ears, or cut out or disable the tongue, put out an eye, slit the nose, cut off the nose or a lip, or cut off or disable any limb or member of any person, with intention in so doing to maim or disfigure such person in any the manners before mentioned, then and in every such case the person or persons so offending, their counsellors, aiders and abettors (knowing of and privy to the offence aforesaid) shall on conviction, be imprisoned not exceeding seven years, and fined not exceeding one thousand dollars.

Maiming, what cases shall be judged, and how punished.  
Act of March 3, 1825, ch. 65, sec. 22.

SEC. 14. *And be it [further] enacted*, That if any person or persons shall falsely make, alter, forge or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or willingly act or assist in the false making, altering, forging or counterfeiting any certificate, indent, or other public security of the United States, or shall utter, put off, or offer, or cause to be uttered, put off, or offered in payment or for sale any such false, forged, altered or counterfeited certificate, indent or other public security, with intention to defraud any person, knowing the same to be false, altered, forged or counterfeited, and shall be thereof convicted, every such person shall suffer death. (b)

Forgery, what cases shall be judged, and how punished.  
Act of March 3, 1825, ch. 65, sec. 17, 18, 19, 20, act of March 3, 1823, ch. 36.

SEC. 15. *And be it [further] enacted*, That if any person shall feloniously steal, take away, alter, falsify, or otherwise avoid any record, writ, process, or other proceedings in any of the courts of the United States, by means whereof any judgment shall be reversed, made void, or not take effect, or if any person shall acknowledge or procure to be acknowledged in any of the courts aforesaid, any recognizance, bail or judgment, in the name or names of any other person or persons not privy or consenting to the same, every such person or persons on conviction thereof, shall be fined not exceeding five thousand dollars, or be impris-

Stealing or falsifying any record, process, &c. how punished.

(a) Although the crimes act of 1790, sec. 12, does not define the offence of endeavouring to make a revolt, it is competent for the court to give a judicial definition of it. *United States v. Kelley*, 11 Wheat. 417; 6 Cond. Rep. 370.

A revolt, is the usurpation of the authority and command of the ship, and an overthrow of that of the master, or commanding officer. Any conspiracy to accomplish such an object, or to resist a lawful command of the master for such purpose; any endeavour to stir up others of the crew to such resistance, is an endeavour to make a revolt, within the meaning of the 12th section of the act of 1790. *United States v. Hemmer et al.*, 4 Mason's C. C. R. 105. See also *United States v. Keefe*, 3 Mason's C. C. R. 475; 5 Mason's C. C. R. 460. *United States v. Smith*, 1 Mason's C. C. R. 147. *United States v. Hamilton*, 1 Mason's C. C. R. 443. *United States v. Kelley*, 4 Wash. C. C. R. 528.

(b) See *United States v. Turner*, 7 Peters, 132. *United States v. Brewster*, 7 Peters, 164. *United States v. Stewart*, 4 Wash. C. C. R. 226. *United States v. Reuben Moses*, 4 Wash. C. C. R. 726. *United States v. Morrow*, 4 Wash. C. C. R. 733. *United States v. Britton*, 2 Mason's C. C. R. 464. *United States v. Hinman*, 1 Baldwin's C. C. R. 292. *United States v. Mitchell*, 1 Baldwin's C. C. R. 366.

## Exceptions.

soned not exceeding seven years, and whipped not exceeding thirty-nine stripes. *Provided nevertheless*, That this act shall not extend to the acknowledgment of any judgment or judgments by any attorney or attorneys, duly admitted for any person or persons against whom any such judgment or judgments shall be had or given.

Larceny, what cases shall be judged, and how punished.  
Act of March 3, 1825, ch. 27.

SEC. 16. *And be it [further] enacted*, That if any person within any of the places under the sole and exclusive jurisdiction of the United States, or upon the high seas, shall take and carry away, with an intent to steal or purloin the personal goods of another; or if any person or persons, having at any time hereafter the charge or custody of any arms, ordnance, munition, shot, powder, or habiliments of war belonging to the United States, or of any victuals provided for the victualing of any soldiers, gunners, marines or pioneers, shall for any lucre or gain, or wittingly, advisedly, and of purpose to hinder or impede the service of the United States, embezzle, purloin or convey away any of the said arms, ordnance, munition, shot or powder, habiliments of war, or victuals, that then and in every of the cases aforesaid, the person or persons so offending, their counsellors, aiders and abettors (knowing of and privy to the offences aforesaid) shall, on conviction, be fined not exceeding the fourfold value of the property so stolen, embezzled or purloined; the one moiety to be paid to the owner of the goods, or the United States, as the case may be, and the other moiety to the informer and prosecutor, and be publicly whipped, not exceeding thirty-nine stripes. (a)

Receivers of stolen goods, &c. how punished.  
Act of March 3, 1825, ch. 27.

SEC. 17. *And be it further enacted*, That if any person or persons, within any part of the jurisdiction of the United States as aforesaid, shall receive or buy any goods or chattels that shall be feloniously taken or stolen from any other person, knowing the same to be stolen, or shall receive, harbour or conceal any felons or thieves, knowing them to be so, he or they being of either of the said offences legally convicted, shall be liable to the like punishments as in the case of larceny before are prescribed.

Perjury how punished.

SEC. 18. *And be it [further] enacted*, That if any person shall wilfully and corruptly commit perjury, (b) or shall by any means procure any person to commit corrupt and wilful perjury, on his or her oath or affirmation in any suit, controversy, matter or cause depending in any of the courts of the United States, or in any deposition taken pursuant to the laws of the United States, every person so offending, and being thereof convicted, shall be imprisoned not exceeding three years, and fined not exceeding eight hundred dollars; and shall stand in the pillory for one hour, and be thereafter rendered incapable of giving testimony in any of the courts of the United States, until such time as the judgment so given against the said offender shall be reversed.

In prosecutions for perjury, shall be sufficient to set forth substance of the charge.

SEC. 19. *And be it [further] enacted*, That in every presentment or indictment to be prosecuted against any person for wilful and corrupt perjury, it shall be sufficient to set forth the substance of the offence charged upon the defendant, and by what court, or before whom the oath or affirmation was taken, (averring such court, or person or persons to have a competent authority to administer the same) together with the proper averment or averments to falsify the matter or matters wherein the perjury or perjuries is or are assigned; without setting forth the bill, answer, information, indictment, declaration, or any part of any record or proceeding, either in law or equity, other than as aforesaid, and without setting forth the commission or authority of the court, or person or persons before whom the perjury was committed.

SEC. 20. *And be it further enacted*, That in every presentment or

(a) United States v. Davis, 5 Mason's C. C. R. 356. United States v. Clew, 4 Wash. C. C. R. 700. United States v. Hamilton, 1 Mason's C. C. R. 152. United States v. Lawrence Coombs, 12 Peters, 72.

(b) United States v. Bailey, 9 Peters, 298. United States v. Kendrick, 2 Mason's C. C. R. 69. United States v. Clark, 1 Gallis' C. C. R. 497. United States v. Passmore, 4 Dall. 372, 378.

indictment for subornation of perjury, or for corrupt bargaining or contracting with others to commit wilful and corrupt perjury, it shall be sufficient to set forth the substance of the offence charged upon the defendant, without setting forth the bill, answer, information, indictment, declaration, or any part of any record or proceeding, either in law or equity, and without setting forth the commission or authority of the court, or person or persons before whom the perjury was committed, or was agreed or promised to be committed.

Proceedings  
for subornation  
of perjury.

SEC. 21. *And be it [further] enacted*, That if any person shall, directly or indirectly, give any sum or sums of money, or any other bribe, present or reward, or any promise, contract, obligation or security, for the payment or delivery of any money, present or reward, or any other thing to obtain or procure the opinion, judgment or decree of any judge or judges of the United States, in any suit, controversy, matter or cause depending before him or them, and shall be thereof convicted, such person or persons so giving, promising, contracting or securing to be given, paid or delivered, any sum or sums of money, present, reward or other bribe as aforesaid, and the judge or judges who shall in any wise accept or receive the same, on conviction thereof shall be fined and imprisoned at the discretion of the court; and shall forever be disqualified to hold any office of honour, trust or profit under the United States. (a)

Bribery, what  
cases shall be  
judged, and  
how punished.

SEC. 22. *And be it [further] enacted*, That if any person or persons shall knowingly and wilfully obstruct, resist or oppose any officer of the United States, in serving or attempting to serve or execute any mesne process, or warrant, or any rule or order of any of the courts of the United States, or any other legal or judicial writ or process whatsoever, or shall assault, beat or wound any officer, or other person duly authorized, in serving or executing any writ, rule, order, process or warrant aforesaid, every person so knowingly and wilfully offending in the premises, shall, on conviction thereof, be imprisoned not exceeding twelve months, and fined not exceeding three hundred dollars. (b)

Obstruction of  
process, how  
punished.

SEC. 23. *And be it further enacted*, That if any person or persons shall by force set at liberty, or rescue any person who shall be found guilty of treason, murder, or any other capital crime, or rescue any person convicted of any of the said crimes, going to execution, or during execution, every person so offending, and being thereof convicted, shall suffer death. And if any person shall by force set at liberty, or rescue any person who before conviction shall stand committed for any of the capital offences aforesaid; or if any person or persons shall by force set at liberty, or rescue any person committed for or convicted of any other offence against the United States, every person so offending shall, on conviction, be fined not exceeding five hundred dollars, and imprisoned not exceeding one year.

Rescue of  
persons convicted,  
or before  
conviction to be  
punished by  
death.

Rescue before  
conviction.

SEC. 24. *Provided always, and be it enacted*, That no conviction or judgment for any of the offences aforesaid, shall work corruption of blood, or any forfeiture of estate.

No conviction  
to work cor-  
ruption of blood,  
or forfeiture of  
estate.

SEC. 25. *And be it [further] enacted*, That if any writ or process shall at any time hereafter be sued forth or prosecuted by any person or persons, in any of the courts of the United States, or in any of the courts

Article 3, sec.  
2, Constitution  
U. States.

(a) An offer of a bribe made in a letter directed to New York, and put into the post-office in Philadelphia, will sustain an indictment in the district of Pennsylvania. *United States v. Worrall*, 2 Dall. 388.

(b) The offence of obstructing process consists in refusing to give up possession, or opposing or obstructing the execution of the writ by threats of violence, which it is in the power of the person to enforce; and thus preventing the officer from executing his writ. *United States v. Lowry*, 2 Wash. C. C. R. 169.

The 22d section of the act of 1790, prohibits the obstruction of process of every species, legal and judicial; whether issued by the court in session, or by a judge or magistrate acting in that capacity out of court, in execution of the laws of the United States. On an indictment under this section, for resisting an officer, it is not necessary that it should appear that the accused used, or even threatened violence. *United States v. Lukins*, 3 Wash. C. C. R. 335.



Process sued in any court of the U. States, or of a particular state, against a foreign minister, void ; and

Persons suing the same, how punished :

Exception as to debts contracted prior to entering into the service of ambassador, &c.

Violation of a safe conduct, or to the person of public minister, how punished.

In cases of treason, prisoner shall have copy of indictment, list of the jury and witnesses, &c.

In other capital cases, copy of indictment and list of the jury ; also to be allowed counsel.

of a particular state, or by any judge or justice therein respectively, whereby the person of any ambassador or other public minister of any foreign prince or state, authorized and received as such by the President of the United States, or any domestic or domestic servant of any such ambassador or other public minister, may be arrested or imprisoned, or his or their goods or chattels be distrained, seized or attached, such writ or process shall be deemed and adjudged to be utterly null and void to all intents, construction and purposes whatsoever. (a)

SEC. 26. *And be it [further] enacted*, That in case any person or person shall sue forth or prosecute any such writ or process, such person or persons, and all attorneys or solicitors prosecuting or soliciting in such case, and all officers executing any such writ or process, being thereof convicted, shall be deemed violaters of the laws of nations, and disturbers of the public repose, and imprisoned not exceeding three years, and fined at the discretion of the court.

SEC. 27. *Provided nevertheless*, That no citizen or inhabitant of the United States, who shall have contracted debts prior to his entering into the service of any ambassador or other public minister, which debts shall be still due and unpaid, shall have, take or receive any benefit of this act ; nor shall any person be proceeded against by virtue of this act, for having arrested or sued any other domestic servant of any ambassador or other public minister, unless the name of such servant be first registered in the office of the Secretary of State, and by such secretary transmitted to the marshal of the district in which Congress shall reside, who shall upon receipt thereof affix the same in some public place in his office, whereto all persons may resort and take copies without fee or reward.

SEC. 28. *And be it [further] enacted*, That if any person shall violate any safe-conduct or passport duly obtained and issued under the authority of the United States, or shall assault, strike, wound, imprison, or in any other manner infract the law of nations, by offering violence to the person of an ambassador or other public minister, such person so offending, on conviction, shall be imprisoned not exceeding three years, and fined at the discretion of the court.

SEC. 29. *And be it [further] enacted*, That any person who shall be accused and indicted of treason, shall have a copy of the indictment, and a list of the jury and witnesses, to be produced on the trial for proving the said indictment, mentioning the names and places of abode of such witnesses and jurors, delivered unto him at least three entire days before he shall be tried for the same ; and in other capital offences, shall have such copy of the indictment and list of the jury two entire days at least before the trial : And that every person so accused and indicted for any of the crimes aforesaid, shall also be allowed and admitted to make his full defence by counsel learned in the law ; and the court before whom such person shall be tried, or some judge thereof, shall, and they are hereby authorized and required immediately upon his request to assign to such person such counsel, not exceeding two, as such person shall desire, to whom such counsel shall have free access at all seasonable hours ; and every such person or persons accused or in-

(a) The decisions of the courts of the United States upon the provisions of the sections of this statute, relative to process against foreign ministers and officers, for the violation of their immunities, have been : *The United States v. Hand*, 2 Wash. C. C. R. 435. *United States v. William Liddle*, 2 Wash. C. C. R. 205. *Ex parte Cabrera*, 1 Wash. C. C. R. 232.

An indictment under the 27th section of the act of 1790, for infracting the laws of nations by offering violence to the person of a foreign minister, is not a case affecting ambassadors, other public ministers, and consuls, within the first clause of the 2d section of the 3d article of the constitution of the United States. *The United States v. Ortega*, 11 Wheat. 467 ; 6 Cond. Rep. 394.

If a foreign minister commits the first assault, he forfeits his immunity, so far as to excuse the defendant for returning it. *Ibid.*

It is no defence upon such indictment, that the defendant was ignorant of the public character of the minister. *Ibid.* See also *United States v. Benner*, Baldwin's C. C. R. 240.

dicted of the crimes aforesaid, shall be allowed and admitted in his said defence to make any proof that he or they can produce, by lawful witness or witnesses, and shall have the like process of the court where he or they shall be tried, to compel his or their witnesses to appear at his or their trial, as is usually granted to compel witnesses to appear on the prosecution against them.

SEC. 30. *And be it further enacted*, That if any person or persons be indicted of treason against the United States, and shall stand mute or refuse to plead, or shall challenge peremptorily above the number of thirty-five of the jury; or if any person or persons be indicted of any other of the offences herein before set forth, for which the punishment is declared to be death, if he or they shall also stand mute or will not answer to the indictment, or challenge peremptorily above the number of twenty persons of the jury; the court, in any of the cases aforesaid, shall notwithstanding proceed to the trial of the person or persons so standing mute or challenging, as if he or they had pleaded not guilty, and render judgment thereon accordingly.

SEC. 31. *And be it further enacted*, That the benefit of clergy shall not be used or allowed, upon conviction of any crime, for which, by any statute of the United States, the punishment is or shall be declared to be death.

SEC. 32. *And be it further enacted*, That no person or persons shall be prosecuted, tried or punished for treason or other capital offence aforesaid, wilful murder or forgery excepted, unless the indictment for the same shall be found by a grand jury within three years next after the treason or capital offence aforesaid shall be done or committed; nor shall any person be prosecuted, tried or punished for any offence, not capital, nor for any fine or forfeiture under any penal statute, unless the indictment or information for the same shall be found or instituted within two years from the time of committing the offence, or incurring the fine or forfeiture aforesaid: *Provided*, That nothing herein contained shall extend to any person or persons fleeing from justice.

SEC. 33. *And be it further enacted*, That the manner of inflicting the punishment of death, shall be by hanging the person convicted by the neck until dead.

APPROVED, April 30, 1790.

and with process to compel the attendance of witnesses.

In cases of treason or other capital offence, prisoner standing mute, how to be proceeded against.

Act of March 3, 1825, ch. 65, sec. 14.

No benefit of clergy in cases where the punishment is death.

No prosecution or punishment for treason or other capital offence unless indictment be found within three years, nor in other cases unless within two years;

except the offender flee.

Punishment of death to be by hanging.

#### STATUTE II.

April 30, 1790.

#### CHAP. X.—*An Act for regulating the Military Establishment of the United States.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the commissioned officers herein after mentioned, and the number of one thousand two hundred and sixteen non-commissioned officers, privates and musicians, shall be raised for the service of the United States, for the period of three years, unless they should previously by law be discharged.

SEC. 2. *And be it further enacted*, That the non-commissioned officers and privates aforesaid shall, at the time of their enlistments respectively, be able-bodied men, not under five feet six inches in height, without shoes; nor under the age of eighteen, nor above the age of forty-six years.

SEC. 3. *And be it further enacted*, That the commissioned officers herein after mentioned, and the said non-commissioned officers, privates and musicians, shall be formed into one regiment of infantry, to consist of three battalions, and one battalion of artillery. The regiment of infantry to be composed of one lieutenant-colonel commandant, three majors, three adjutants, three quartermasters, one paymaster, one surgeon, two surgeon's mates, and twelve companies, each of which shall consist of one captain, one lieutenant, one ensign, four sergeants, four

Repealed by Act of March 3, 1795, ch. 44, sec. 18.

Number of troops, and term of service.

Of what size and age.

How formed into regiments and battalions.

corporals, sixty-six privates, and two musicians. The battalion of artillery shall be composed of one major commandant, one adjutant, one quartermaster, one paymaster, one surgeon's mate, and four companies; each of which shall consist of one captain, two lieutenants, four sergeants, four corporals, sixty-six privates, and two musicians: *Provided always*, That the adjutants, quartermasters, and paymasters, shall be appointed from the line of subalterns of the aforesaid corps respectively.

Inspectors; their duty, &c. SEC. 4. *And be it further enacted*, That the President of the United States may from time to time appoint one or two inspectors, as to him shall seem meet, to inspect the said troops, who shall also muster the same, and each of whom shall receive the like pay and subsistence as a captain, and be allowed ten dollars per month for forage.

Pay of the troops; SEC. 5. *And be it further enacted*, That the troops aforesaid shall receive for their services the following enumerated monthly rates of pay: Lieutenant-colonel commandant, sixty dollars; major commandant of artillery, forty-five dollars; majors, forty dollars; captains, thirty dollars; lieutenants, twenty-two dollars; ensigns, eighteen dollars; surgeons, thirty dollars; surgeon's mates, twenty-four dollars; sergeants, five dollars; corporals, four dollars; privates, three dollars; senior musician in each battalion of infantry, and in the battalion of artillery, five dollars; musicians, three dollars: *Provided always*, That the sums herein after

deductions for clothing and hospital stores.

specified, shall be deducted from the pay of the non-commissioned officers, privates and musicians stipulated as aforesaid, for the purposes of forming a fund for clothing and hospital stores. From the monthly pay of each sergeant and senior musician, there shall be deducted for uniform clothing, the sum of one dollar and forty cents, and the farther sum of ten cents for hospital stores; and from the monthly pay of each corporal, for uniform clothing, one dollar and fifteen cents, and the farther sum of ten cents for hospital stores; and from the monthly pay of each private and musician, for uniform clothing, the sum of ninety cents, and the farther sum of ten cents for hospital stores.

Adjutants, quarter, and paymaster's additional pay.

SEC. 6. *And be it further enacted*, That the subalterns who may be appointed to act as adjutants, shall each receive for the same, in addition to their regimental pay, ten dollars per month; and quarter and paymasters so appointed, each five dollars per month.

Officers, what rations allowed to for daily subsistence.

SEC. 7. *And be it further enacted*, That the commissioned officers aforesaid, shall receive for their daily subsistence, the following number of rations of provisions—to wit: Lieutenant-colonel commandant, six; a major, four; a captain, three; a lieutenant, two; an ensign, two; a surgeon, three; a surgeon's mate, two, or money in lieu thereof, at the option of the said officers, at the contract price at the posts respectively where the rations shall become due.

Also, money in lieu of forage.

SEC. 8. *And be it further enacted*, That the commissioned officers herein after described, shall receive monthly the following enumerated sums, instead of forage: Lieutenant-colonels commandant, twelve dollars; major commandant of artillery, majors and surgeon each, ten dollars; surgeon's mates each, six dollars.

Privates, what clothing shall receive annually;

SEC. 9. *And be it further enacted*, That every non-commissioned officer, private and musician aforesaid, shall receive annually the following articles of uniform clothing: One hat or helmet, one coat, one vest, two pair of woollen and two pair of linen overalls, four pair of shoes, four shirts, two pair of socks, one blanket, one stock and clasp, and one pair of buckles.

and daily rations.

SEC. 10. *And be it further enacted*, That every non-commissioned officer, private and musician aforesaid, shall receive daily the following rations of provisions, or the value thereof: One pound of beef, or three quarters of a pound of pork, one pound of bread or flour, half a gill of rum, brandy or whisky, or the value thereof at the contract price where the same shall become due, and at the rate of one quart of salt,

two quarts of vinegar, two pounds of soap, and one pound of candles, to every hundred rations.

SEC. 11. *And be it further enacted*, That if any commissioned officer, non-commissioned officer, private or musician aforesaid, shall be wounded or disabled while in the line of his duty in public service, he shall be placed on the list of the invalids of the United States, at such rate of pay, and under such regulations as shall be directed by the President of the United States, for the time being: *Provided always*, That the rate of compensation for such wounds or disabilities, shall never exceed for the highest disability, half the monthly pay received by any commissioned officer, at the time of being so wounded or disabled; and that the rate of compensation to non-commissioned officers, privates and musicians, shall never exceed five dollars per month. *And provided also*, That all inferior disabilities shall entitle the persons so disabled, to receive only a sum in proportion to the highest disability.

If wounded or disabled, what compensation.

SEC. 12. *And be it further enacted*, That every commissioned officer, non-commissioned officer, private and musician aforesaid, shall take and subscribe the following oath or affirmation—to wit: “I, A. B. do solemnly swear or affirm (as the case may be) to bear true allegiance to the United States of America, and to serve them honestly and faithfully against all their enemies or opposers whomsoever, and to observe and obey the orders of the President of the United States of America, and the orders of the officers appointed over me, according to the articles of war.”

Officers and privates to take an oath of allegiance to the United States; and

SEC. 13. *And be it further enacted*, That the commissioned officers, non-commissioned officers, privates and musicians aforesaid, shall be governed by the rules and articles of war, which have been established by the United States in Congress assembled, as far as the same may be applicable to the constitution of the United States, or by such rules and articles as may hereafter by law be established.

be governed by the articles of war.

SEC. 14. *And be it further enacted*, That the “act for recognizing and adapting to the constitution of the United States, the establishment of the troops raised under the resolves of the United States in Congress assembled, and for other purposes therein mentioned,” passed the twenty-ninth day of September, one thousand seven hundred and eighty-nine, be, and the same is hereby repealed.

Former establishment of troops repealed.

Act of Sept. 29, 1789, ch. 25.

SEC. 15. *Provided always*, That the non-commissioned officers and privates continued and engaged under the aforesaid act of the twenty-ninth day of September, one thousand seven hundred and eighty-nine, and who shall decline to re-enlist under the establishment made by this act, shall be discharged whenever the President of the United States shall direct the same. *Provided further*, That the whole number of non-commissioned officers, privates and musicians, in the service of the United States at any one time, either by virtue of this act, or by virtue of the aforesaid act, passed the twenty-ninth day of September, one thousand seven hundred and eighty-nine, shall not exceed the number of one thousand two hundred and sixteen.

Certain exceptions; and

SEC. 16. *And be it further enacted*, That for the purpose of aiding the troops now in service, or to be raised by this act, in protecting the inhabitants of the frontiers of the United States, the President is hereby authorized to call into service from time to time such part of the militia of the states respectively, as he may judge necessary for the purpose aforesaid; and that their pay and subsistence while in service, be the same as the pay and subsistence of the troops above mentioned, and they shall be subject to the rules and articles of war.

for further defence, President may call out militia.

APPROVED, April 30, 1790.

## STATUTE II.

May 26, 1790.

CHAP. XI.—*An Act to prescribe the mode in which the public Acts, Records, and judicial Proceedings in each State, shall be authenticated so as to take effect in every other State.*

Act of March 27, 1804, ch. 56. Legislative acts, records and judicial proceedings of the several states how to be authenticated; and the effect thereof.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the acts of the legislatures of the several states shall be authenticated by having the seal of their respective states affixed thereto: That the records and judicial proceedings of the courts of any state, shall be proved or admitted in any other court within the United States, by the attestation of the clerk, and the seal of the court annexed, if there be a seal, together with a certificate of the judge, chief justice, or presiding magistrate, as the case may be, that the said attestation is in due form. And the said records and judicial proceedings authenticated as aforesaid, shall have such faith and credit given to them in every court within the United States, as they have by law or usage in the courts of the state from whence the said records are or shall be taken. (a)

APPROVED, May 26, 1790.

## STATUTE II.

May 26, 1790.

CHAP. XII.—*An Act to provide for mitigating or remitting the forfeitures and penalties accruing under the revenue laws, in certain cases therein mentioned.*

[Expired.] Act of March 3, 1797, ch. 13. Act of Feb. 11, 1800, ch. 6. Act of March 2, 1821, ch. 13, sec. 3. Act of March 1, 1823, ch. 21, sec. 8. Mitigation or remission of penalties, &c. how to be applied for; and

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That whenever any person who now is, or hereafter shall be liable to a fine, penalty or forfeiture, or interested in any vessel, goods, wares or merchandise, or other thing which may be subject to seizure and forfeiture, by force of the laws of the United States now existing, or which may hereafter exist, for collecting duties of impost and tonnage, and for regulating the coasting trade, shall prefer his petition to the judge of the district in which such fine, penalty or forfeiture may have accrued, truly and particularly setting forth the circumstances of his case, and shall pray that the same may be mitigated or remitted; the said judge shall inquire in a summary manner into the circumstances of the case, first causing reasonable notice to be given to the person or persons claiming such fine, penalty or forfeiture, and to the attorney of the United States for such district, that each may have an opportunity of showing cause against the mitigation or remission thereof; and shall cause the facts which shall appear upon such inquiry, to be stated and annexed to the petition, and direct their transmission to the Secretary of the Treasury

(a) Art. 4, sec. 1, Constitution of the United States.—The decisions of the courts of the United States upon this statute, and on the introduction in evidence of the "acts, records, and judicial proceedings of the States," have been:

Under the fourth article and 1st section of the constitution of the United States, and the act of 26th May, 1790, if a judgment has the effect of record evidence in the courts of the State from which it is taken, it has the same effect in the courts of every other State; and the plea of nil debet is not a good plea to an action brought upon such judgment in a court of another State. *Mills v. Duryee*, 7 Cranch, 433; 2 Cond. Rep. 578. See *Leland v. Wilkinson*, 6 Peters, 317. *United States v. Johns*, 4 Dall. 412. *Ferguson v. Harwood*, 7 Cranch, 408; 2 Cond. Rep. 548. *Drummond's adm'rs v. Magruder's trustees*, 9 Cranch, 122; 3 Cond. Rep. 303.

Under the act of May 26, 1790, prescribing the mode in which the public records in each State shall be authenticated, so as to take effect in every other State, copies of the legislative acts of the several States, authenticated by having the seal of the State affixed thereto, are conclusive evidence of such acts in every other State. No other formality is required, than the annexation of the seal, and in the absence of all contrary proof, it must be presumed to have been done by an officer having the custody thereof, and competent authority to do the act. *United States v. Amedy*, 11 Wheat. 392; 6 Cond. Rep. 362.

The record of a judgment in one State is conclusive in another, although it appears that the suit in which it was rendered was commenced by an attachment of property, the defendant having afterwards appeared and taken defence. *Mayhew v. Thatcher*, 6 Wheat. 129; 5 Cond. Rep. 34.

In an action upon a judgment, in another State, the defendant cannot plead any fact in bar which contradicts the record on which the suit is brought. *Field v. Gibbs*, Peters' C. C. R. 155. See *Green v. Sarmiento*, Peters' C. C. R. 74. *Blount v. Darrah*, 4 Wash. C. C. R. 657. *Turner v. Waddington*, 3 Wash. C. C. R. 126.

of the United States, who shall thereupon have power to mitigate or remit such fine, penalty or forfeiture, or any part thereof, if in his opinion the same was incurred without wilful negligence or any intention of fraud, and to direct the prosecution, if any shall have been instituted for the recovery thereof, to cease and be discontinued, upon such terms or conditions as he may deem reasonable and just. (a) *Provided*, That nothing herein contained shall be construed to affect the right or claim of any person, to that part of any fine, penalty or forfeiture, incurred by breach of either of the laws aforesaid, which such person may be entitled to by virtue of the said laws, in cases where a prosecution has been commenced, or information has been given before the passing of this act; the amount of which right and claim shall be assessed and valued by the judge of the district, in a summary manner.

SEC. 2. *And be it further enacted*, That this act shall continue and be in force until the end of the next session of Congress, and no longer.

APPROVED, May 26, 1790.

by whom granted;  
Not to affect cases of previous information.

Continuance of the act.

#### STATUTE II.

CHAP. XIII.—*An Act to continue in force an act passed at the last session of Congress, entitled "An act to regulate processes in the Courts of the United States."*

May 26, 1790.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the act, entitled "An act to regulate processes in the courts of the United States," passed on the twenty-ninth day of September last, shall be, and the same is hereby continued in force until the end of the next session of Congress, and no longer.

APPROVED, May 26, 1790.

[Expired.]  
Act of Sept. 29, 1789, ch. 21.

#### STATUTE II.

CHAP. XIV.—*An Act for the Government of the Territory of the United States, south of the river Ohio.* (b)

May 26, 1790.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the territory of the United States south of the river Ohio, for the purposes of temporary government, shall be one district; the inhabitants of which shall enjoy all the privileges, benefits and advantages set forth in the ordinance of the late Congress, for the government of the territory of the United States northwest of the river Ohio. And the government of the said territory south of the Ohio, shall be similar to that which is now exercised in the territory northwest of the Ohio; except so far as is otherwise provided in the conditions expressed in an act of Congress of the present session, entitled "An act to accept a cession of the claims of the State of North Carolina, to a certain district of western territory."

SEC. 2. *And be it further enacted*, That the salaries of the officers, which the President of the United States shall nominate, and with the advice and consent of the Senate appoint, by virtue of this act, shall be the same as those, by law established, of similar officers in the government northwest of the river Ohio. And the powers, duties and emoluments of a superintendent of Indian affairs for the southern department, shall be united with those of the governor.

APPROVED, May 26, 1790.

Act of June 1, 1796, ch. 46.  
Act of April 7, 1798, ch. 26.  
Territory south of the Ohio, to be one district; its privileges and government:  
Act of August 7, 1789, ch. 8.  
Exceptions.

Act of April 2, 1790, ch. 6.  
Salaries of the officers therein.

(a) The decisions of the courts of the United States upon this act, and on subsequent acts, in pari materia, have been: *M'Lean v. The United States*, 6 Peters, 404. *United States v. Morris*, 10 Wheat. 246; 6 Cond. Rep. 90. *Cross v. The United States*, 1 Gallis' C. C. R. 26. *The Margaretta*, 2 Gallis' C. C. R. 515. *The United States v. The Hunter, Peters* C. C. R. 10. *The United States v. Lancaster*, 4 Wash. C. C. R. 64.

(b) Ordinance for the government of the territory of the United States, northwest of the river Ohio, in note to page 51.

STATUTE II.  
May 31, 1790.

Repealed.

Act of April  
29, 1802, ch. 36.  
Act of Feb. 15,  
1819, ch. 19. Act  
of Feb. 3, 1831,  
ch. 16. June 30,  
1834, ch. 157.

Authors of  
maps, charts  
and books;  
and purchasers  
from them, to  
have the sole  
right of publica-  
tion &c. for 14  
years;

recording the  
title, &c.

Also, if living  
at the end of  
that term, to  
have the further  
term of 14 years;  
recording the  
title, &c.

Other persons  
printing, &c.  
without consent  
of the author,  
how to be pro-  
ceeded against  
and punished.

CHAP. XV.—*An Act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned.* (a)

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the passing of this act, the author and authors of any map, chart, book or books already printed within these United States, being a citizen or citizens thereof, or resident within the same, his or their executors, administrators or assigns, who hath or have not transferred to any other person the copyright of such map, chart, book or books, share or shares thereof; and any other person or persons, being a citizen or citizens of these United States, or residents therein, his or their executors, administrators or assigns, who hath or have purchased or legally acquired the copyright of any such map, chart, book or books, in order to print, reprint, publish or vend the same, shall have the sole right and liberty of printing, reprinting, publishing and vending such map, chart, book or books, for the term of fourteen years from the recording the title thereof in the clerk's office, as is herein after directed: And that the author and authors of any map, chart, book or books already made and composed, and not printed or published, or that shall hereafter be made and composed, being a citizen or citizens of these United States, or resident therein, and his or their executors, administrators or assigns, shall have the sole right and liberty of printing, reprinting, publishing and vending such map, chart, book or books, for the like term of fourteen years from the time of recording the title thereof in the clerk's office as aforesaid. And if, at the expiration of the said term, the author or authors, or any of them, be living, and a citizen or citizens of these United States, or resident therein, the same exclusive right shall be continued to him or them, his or their executors, administrators or assigns, for the further term of fourteen years: *Provided*, he or they shall cause the title thereof to be a second time recorded and published in the same manner as is herein after directed, and that within six months before the expiration of the first term of fourteen years aforesaid.

SEC. 2. *And be it further enacted,* That if any other person or persons, from and after the recording the title of any map, chart, book or books, and publishing the same as aforesaid, and within the times limited and granted by this act, shall print, reprint, publish, or import, or cause to be printed, reprinted, published, or imported from any foreign kingdom or state, any copy or copies of such map, chart, book or books, without the consent of the author or proprietor thereof, first had and obtained in writing, signed in the presence of two or more credible witnesses; or knowing the same to be so printed, reprinted, or imported, shall publish, sell, or expose to sale, or cause to be published, sold, or

(a) *Wheaton and Donaldson v. Peters et al.*, 8 Peters, 591. *Binns v. Woodruff*, 4 Wash. C. C. R. 48. *Ewer v. Cox* et al., 4 Wash. C. C. R. 487.

Congress, by the act of 1790, instead of sanctioning an existing, perpetual copyright in an author in his works, created the right, secured for a limited time by the provisions of the law. *Wheaton et al. v. Peters et al.*, 8 Peters, 591.

The acts required by the laws of the United States to be done by an author to secure his copyright, are in the order in which they must naturally transpire. First, the title of the book must be deposited with the clerk, and the record he makes must be inserted on the first or second page; then public notice in the newspapers must be given; and within six months after the publication of the book, a copy must be deposited in the department of state. These are acts which the law requires to be done. Every requisite under both acts of Congress is essential to the title. *Ibid.*

In the 8th section of the 1st article of the constitution of the United States, it is declared that Congress shall have power "to promote the progress of the useful arts by securing for a limited time to authors and inventors, the exclusive right to their writings and inventions." The word "secure," as used in the constitution, could not mean the protection of an acknowledged legal right. It refers to inventors as well as authors, and it has never been pretended by any one, either in this country or in England, that an inventor has a perpetual right at common law, to sell the thing invented. *Ibid.*

Every requisite under both acts of Congress relative to copyrights, is essential to the title. *Ibid.*

exposed to sale, any copy of such map, chart, book or books, without such consent first had and obtained in writing as aforesaid, then such offender or offenders shall forfeit all and every copy and copies of such map, chart, book or books, and all and every sheet and sheets, being part of the same, or either of them, to the author or proprietor of such map, chart, book or books, who shall forthwith destroy the same: And every such offender and offenders shall also forfeit and pay the sum of fifty cents for every sheet which shall be found in his or their possession, either printed or printing, published, imported or exposed to sale, contrary to the true intent and meaning of this act, the one moiety thereof to the author or proprietor of such map, chart, book or books who shall sue for the same, and the other moiety thereof to and for the use of the United States, to be recovered by action of debt in any court of record in the United States, wherein the same is cognizable. *Provided always*, That such action be commenced within one year after the cause of action shall arise, and not afterwards.

1802, ch. 36,  
sec. 3.

SEC. 3. *And be it further enacted*, That no person shall be entitled to the benefit of this act, in cases where any map, chart, book or books, hath or have been already printed and published, unless he shall first deposit, and in all other cases, unless he shall before publication deposit a printed copy of the title of such map, chart, book or books, in the clerk's office of the district court where the author or proprietor shall reside: And the clerk of such court is hereby directed and required to record the same forthwith, in a book to be kept by him for that purpose, in the words following, (giving a copy thereof to the said author or proprietor, under the seal of the court, if he shall require the same.) "District of  
to wit: *Be it remembered*. That on the

Conditions on which the benefit of this act shall be obtained.

day of \_\_\_\_\_ in the \_\_\_\_\_ year of the independence of the United States of America, A. B. of the said district, hath deposited in this office the title of a map, chart, book or books, (as the case may be) the right whereof he claims as author or proprietor, (as the case may be) in the words following, to wit: [here insert the title] in conformity to the act of the Congress of the United States, intituled 'An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned.' C. D. clerk of the district of \_\_\_\_\_." For which the said clerk shall be entitled to receive sixty cents from the said author or proprietor, and sixty cents for every copy under seal actually given to such author or proprietor as aforesaid. And such author or proprietor shall, within two months from the date thereof, cause a copy of the said record to be published in one or more of the newspapers printed in the United States, for the space of four weeks.

1802, ch. 36,  
sec. 1, 2.

SEC. 4. *And be it further enacted*, That the author or proprietor of any such map, chart, book or books, shall, within six months after the publishing thereof, deliver, or cause to be delivered to the Secretary of State a copy of the same, to be preserved in his office.

Authors to deliver a copy of their work to the Secretary of State.

SEC. 5. *And be it further enacted*, That nothing in this act shall be construed to extend to prohibit the importation or vending, reprinting or publishing within the United States, of any map, chart, book or books, written, printed, or published by any person not a citizen of the United States, in foreign parts or places without the jurisdiction of the United States.

No prohibition against importing, reprinting, &c. of foreign writings or publications.

SEC. 6. *And be it further enacted*, That any person or persons who shall print or publish any manuscript, without the consent and approbation of the author or proprietor thereof, first had and obtained as aforesaid, (if such author or proprietor be a citizen of or resident in these United States) shall be liable to suffer and pay to the said author or proprietor all damages occasioned by such injury, to be recovered by a

**Penalty for publishing manuscripts without consent of the authors.**



special action on the case founded upon this act, in any court having cognizance thereof.

Persons sued for any thing done under this act may give special matter in evidence.

SEC. 7. *And be it further enacted*, That if any person or persons shall be sued or prosecuted for any matter, act or thing done under or by virtue of this act, he or they may plead the general issue, and give the special matter in evidence.

APPROVED, May 31, 1790.

#### STATUTE II.

June 4, 1790.

CHAP. XVII.—*An Act for giving effect to an Act entitled "An Act to establish the Judicial Courts of the United States," within the State of North Carolina.*

Act of April 13, 1792 ch. 21.  
Judicial act declared in force as to N. Carolina.  
1790, ch. 1.  
District court, its sessions, and

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the act intituled "An act to establish the judicial courts of the United States," shall have the like force and effect within the State of North Carolina, as elsewhere within the United States.

SEC. 2. *And be it further enacted*, That the said state shall be one district, to be called North Carolina district; and there shall be a district court therein to consist of one judge, who shall reside in the district, and be called a district judge, and shall hold annually four sessions; the first to commence on the first Monday in July next, and the other three sessions progressively on the like Monday of every third calendar month afterwards. The stated district court shall be held at the town of Newbern.

where held.

Annexed to southern circuit.

Circuit courts, their sessions.

SEC. 3. *And be it further enacted*, That the said district shall be, and the same is hereby annexed to the southern circuit. And there shall be held annually in the said district two circuit courts; the first session of the circuit court shall commence on the eighteenth day of June next, the second session on the eighth day of November next, and the subsequent sessions on the like days of every June and November afterwards, except when any of the days shall happen on a Sunday, and then the session shall commence on the next day following. And the sessions of the said circuit courts shall be held at Newbern.

Where held.

Salary of the judge.

SEC. 4. *And be it further enacted*, That there shall be allowed to the judge of the said district, the yearly compensation of fifteen hundred dollars, to commence from his appointment, and to be paid at the treasury of the United States in quarterly payments.

APPROVED, June 4, 1790.

#### STATUTE II.

June 4, 1790.

CHAP. XVIII.—*An Act supplemental to the Act for establishing the Salaries of the Executive Officers of Government, with their assistants and Clerks.*

Act of Sep. 11, 1789, ch. 13.  
Act of March 2, 1799, ch. 23.  
Secretary of State to appoint an additional clerk; with what salary.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the more effectually to do and perform the duties in the Department of State, the Secretary of the said department be, and is hereby authorized to appoint an additional clerk in his office, who shall be allowed an equal salary, to be paid in the same manner as is allowed by law to the chief clerk.

APPROVED, June 4, 1790.

#### STATUTE II.

June 14, 1790.

CHAP. XIX.—*An Act for giving effect to the several Acts therein mentioned, in respect to the State of Rhode Island and Providence Plantations.*

[Obsolete.]  
Acts of import and tonnage, declared in force as to

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the several and respective duties specified, and laid in and by the act, intituled "An act for laying a duty on goods, wares and merchandises im-

ported into the United States," and in and by the act, intituled "An act imposing duties on tonnage," shall be paid and collected upon all goods, wares and merchandises, which after the expiration of five days from the passing of this act, shall be imported into the state of Rhode Island and Providence Plantations, from any foreign port or place, and upon the tonnage of all ships and vessels, which after the said day shall be entered within the said state of Rhode Island and Providence Plantations, subject to the exceptions, qualifications, allowances and abatements in the said acts contained or expressed, which acts shall be deemed to have the like force and operation within the said state of Rhode Island and Providence Plantations, as elsewhere within the United States.

SEC. 2. *And be it further enacted*, That for the due collection of the said duties, there shall be in the said State of Rhode Island and Providence Plantations, two districts—to wit: the district of Newport, and the district of Providence. The district of Newport shall comprehend all the waters, shores, bays, harbors, creeks and inlets, from the west line of the said state, all along the sea-coast, and northward up the Narraganset Bay, as far as the most easterly part of Kinnimicut Point at high water mark; and shall include the several towns, harbors and landing-places at Westerly, Charlestown, South Kingstown, North Kingstown, East Greenwich, and all that part of the town of Warwick southward of the latitude of said Kinnimicut Point; and also the towns, harbors and landing-places of Barrington, Warren, Bristol, Tiverton, Little Compton, and all the towns, harbors and landing-places of the island of Rhode Island, Kinnimicut, Prudence, New Shoreham, and every other island and place within the said state southward of the latitude of the said Kinnimicut Point. The district of Providence shall comprehend all the waters, shores, bays, harbors, creeks and inlets within the said state northward of the latitude of said Kinnimicut Point. The town of Newport shall be sole port of entry in the said district of Newport; and a collector, naval officer and surveyor shall be appointed, to reside at the said town of Newport; and North Kingstown, East Greenwich, Barrington, Warren, Bristol, and Pawcatuck river in Westerly, shall be ports of delivery only; and a surveyor shall be appointed, to reside at each of the ports of North Kingstown, East Greenwich, Warren, Bristol and Pawcatuck river, and the surveyor to reside at Warren shall be surveyor for the port of Barrington. The town of Providence shall be the sole port of entry in the said district of Providence; and Patuxet in the same district shall be a port of delivery only; and a collector, naval officer and surveyor shall be appointed, to reside at Providence, and a surveyor shall be appointed, to reside at Patuxet.

SEC. 3. *And be it further enacted*, That all the regulations, provisions, exceptions, allowances, compensations, directions, authorities, penalties, forfeitures, and other matters whatsoever contained or expressed in the act, intituled "An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares and merchandises imported into the United States," and not locally inapplicable, shall have the like force and effect within the said state of Rhode Island and Providence Plantations, for the collection of the said duties, as elsewhere within the United States, and as if the same were repeated and re-enacted in this present act: *Provided always, and be it declared*, That the thirty-ninth section of the said act, and the third section of an act, intituled "An act to suspend part of an act, intituled An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares, or merchandises imported into the United States, and for other purposes," did, by virtue of the adoption of the constitution of the United States by the said state of Rhode Island and Providence Plantations, cease to operate in respect to the same.

the state of R. Island.

Act of July 4, 1789, ch. 2.

Act of July 20, 1789, ch. 3.

And for due collection, two districts established;

their limits and boundaries;

Ports of entry and delivery.

Regulations, exceptions, &c.

1789, ch. 2.

Operation of parts of former acts to cease.

1789, ch. 15.

Act for registering vessels, and to regulate coasting trade declared in force.

Act of Sept. 1, 1789, ch. 11.

SEC. 4. *And be it further enacted*, That the act, intituled "An act for registering and clearing vessels, regulating the coasting trade, and for other purposes," shall, after the expiration of five days from the passing of this act, have the like force and operation within the state of Rhode Island and Providence Plantations, as elsewhere within the United States, and as if the several clauses thereof were repeated and re-enacted in this present act.

APPROVED, June 14, 1790.

## STATUTE II.

June 23, 1790.

Act of April 13, 1792.

[Obsolete.]  
Judicial act of Sep. 24, 1789, declared in force as to R. Island.

District court, its sessions,

where held.

Annexed to eastern circuit.

Circuit courts, their sessions,

where held.

Salary of the Judge.

CHAP. XXI.—*An act for giving effect to an act intituled "An act to establish the Judicial Courts of the United States," within the State of Rhode Island and Providence Plantations.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the act, intituled "An act to establish the judicial courts of the United States," shall have the like force and effect, within the State of Rhode Island and Providence Plantations, as elsewhere within the United States.

SEC. 2. *And be it further enacted*, That the said state shall be one district, to be called Rhode Island district: and there shall be a district court therein, to consist of one judge, who shall reside in the district, and be called a district judge, and shall hold annually four sessions; the first to commence on the first Monday in August next, and the other three sessions progressively on the like Monday of every third calendar month afterwards. The stated district court shall be held alternately at the towns of Newport and Providence, beginning at the first.

SEC. 3. *And be it further enacted*, That the said district shall be, and the same is hereby annexed to the eastern circuit: and there shall be held annually in the said district two circuit courts; the first session of the circuit court shall commence on the fourth day of December next, the second session on the fourth day of June next, and the subsequent sessions on the like days of every December and June afterwards, except when any of the days shall happen on a Sunday, and then the session shall commence on the day following. And the sessions of the said circuit courts shall be held alternately at the said towns of Newport and Providence, beginning at the last.

SEC. 4. *And be it further enacted*, That there shall be allowed to the judge of the said district, the yearly compensation of eight hundred dollars, to commence from his appointment, and to be paid at the treasury of the United States, in quarterly payments.

APPROVED, June 23, 1790.

## STATUTE II.

July 1, 1790.

Act of Feb. 9, 1793, ch. 4.  
Act of March 20, 1794, ch. 7.  
President authorized to draw \$40,000.

for outfit;

and salaries of ministers plenipotentiary, and

CHAP. XXII.—*An Act providing the means of intercourse between the United States and foreign nations.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States shall be, and he hereby is authorized to draw from the treasury of the United States, a sum not exceeding forty thousand dollars annually, to be paid out of the monies arising from the duties on imports and tonnage, for the support of such persons as he shall commission to serve the United States in foreign parts, and for the expense incident to the business in which they may be employed: *Provided*, That exclusive of an outfit, which shall in no case exceed the amount of one year's full salary to the minister plenipotentiary or charge des affaires to whom the same may be allowed, the President shall not allow to any minister plenipotentiary a greater sum than at the rate of

nine thousand dollars per annum, as a compensation for all his personal services and other expenses; nor a greater sum for the same, than four thousand five hundred dollars per annum to a charge des affaires; nor a greater sum for the same, than one thousand three hundred and fifty dollars per annum to the secretary of any minister plenipotentiary: *And provided also*, That the President shall account specifically for all such expenditures of the said money as in his judgment may be made public, and also for the amount of such expenditures as he may think it advisable not to specify, and cause a regular statement and account thereof to be laid before Congress annually, and also lodged in the proper office of the treasury department.

SEC. 2. *And be it further enacted*, That this act shall continue and be in force for the space of two years, and from thence until the end of the next session of Congress thereafter, and no longer.

APPROVED, July 1, 1790.

charge des affaires, and minister's secretary; and to account specifically.

Continuance of this act.

## STATUTE II.

July 5, 1790.

CHAP. XXV.—*An Act for giving effect to an act intituled "An act providing for the enumeration of the Inhabitants of the United States," in respect to the state of Rhode Island and Providence Plantations.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the act passed the present session of Congress, intituled "An act providing for the enumeration of the inhabitants of the United States," shall be deemed to have the like force and operation within the state of Rhode Island and Providence Plantations, as elsewhere within the United States; and all the regulations, provisions, directions, authorities, penalties, and other matters whatsoever, contained or expressed in the said act, and which are not locally inapplicable, shall have the like force and effect within the said state, as if the same were repeated and re-enacted in and by this present act.

SEC. 2. *And be it further enacted*, That the marshal of the district of Rhode Island shall receive, in full compensation for the performance of all the duties and services confided to, and enjoined upon him by this act, one hundred dollars.

APPROVED, July 5, 1790.

[Obsolete.]  
Act for enumeration declared in force as to R. Island.  
Act of March 1, 1790, ch. 2.

Salary of the marshal.

## STATUTE II.

July 5, 1790.

CHAP. XXVI.—*An Act to authorize the purchase of a tract of land for the use of the United States.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That it shall be lawful for the President of the United States, and he is hereby authorized to cause to be purchased for the use of the United States, the whole or such part of that tract of land situate in the state of New York, commonly called West Point, as shall be by him judged requisite for the purpose of such fortifications and garrisons as may be necessary for the defence of the same.

APPROVED, July 5, 1790.

President authorized to purchase West Point, for purpose of fortifications, &c.

## STATUTE II.

July 16, 1790.

CHAP. XXVII.—*An Act further to provide for the Payment of the Invalid Pensioners of the United States.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the military pensions which have been granted and paid by the states respectively, in pursuance of former acts of the United States in Congress assembled, and such as by acts passed in the present session of Congress, are or shall be declared to be due to invalids who were wounded and disabled during

Military pensions to be paid from 4th March, for one year, and under what regulations.  
Act of March 3, 1791, ch. 24.

the late war, shall be continued and paid by the United States from the fourth day of March last, for the space of one year, under such regulations as the President of the United States may direct.

APPROVED, July 16, 1790.

## STATUTE II.

July 16, 1790.

CPAP. XXVIII.—*An Act for establishing the temporary and permanent seat of the Government of the United States.*

Act of March 3, 1791, ch. 17. District on the Potomac accepted for permanent seat of government, and state laws, when to cease therein.

President to appoint commissioners for locating the same;

who may purchase or accept grants of land; and, prior to Dec. 1800, provide buildings, for the accommodation of Congress.

Expense thereof, how to be defrayed.

Prior to first Monday in Dec. next, seat of government to be removed to Philadelphia, and so remain until the year 1800.

In December, 1800, seat of government to be removed to district accepted by this act.

Act of May 6, 1796, chap. 21.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That a district of territory, not exceeding ten miles square, to be located as hereafter directed on the river Potomac, at some place between the mouths of the Eastern Branch and Connogochegue, be, and the same is hereby accepted for the permanent seat of the government of the United States. *Provided nevertheless*, That the operation of the laws of the state within such district shall not be affected by this acceptance, until the time fixed for the removal of the government thereto, and until Congress shall otherwise by law provide.

SEC. 2. *And be it further enacted*, That the President of the United States be authorized to appoint, and by supplying vacancies happening from refusals to act or other causes, to keep in appointment as long as may be necessary, three commissioners, who, or any two of whom, shall, under the direction of the President, survey, and by proper metes and bounds define and limit a district of territory, under the limitations above mentioned; and the district so defined, limited and located, shall be deemed the district accepted by this act, for the permanent seat of the government of the United States.

SEC. 3. *And be it [further] enacted*, That the said commissioners, or any two of them, shall have power to purchase or accept such quantity of land on the eastern side of the said river, within the said district, as the President shall deem proper for the use of the United States, and according to such plans as the President shall approve, the said commissioners, or any two of them, shall, prior to the first Monday in December, in the year one thousand eight hundred, provide suitable buildings for the accommodation of Congress, and of the President, and for the public offices of the government of the United States.

SEC. 4. *And be it [further] enacted*, That for defraying the expense of such purchases and buildings, the President of the United States be authorized and requested to accept grants of money.

SEC. 5. *And be it [further] enacted*, That prior to the first Monday in December next, all offices attached to the seat of the government of the United States, shall be removed to, and until the said first Monday in December, in the year one thousand eight hundred, shall remain at the city of Philadelphia, in the state of Pennsylvania, at which place the session of Congress next ensuing the present shall be held.

SEC. 6. *And be it [further] enacted*, That on the said first Monday in December, in the year one thousand eight hundred, the seat of the government of the United States shall, by virtue of this act, be transferred to the district and place aforesaid. And all offices attached to the said seat of government, shall accordingly be removed thereto by their respective holders, and shall, after the said day, cease to be exercised elsewhere; and that the necessary expense of such removal shall be defrayed out of the duties on imposts and tonnage, of which a sufficient sum is hereby appropriated.

APPROVED, July 16, 1790.

CHAP. XXIX.—*An Act for the government and regulation of Seamen in the merchants service.*

STATUTE II.  
July 20, 1790.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the first day of December next, every master or commander of any ship or vessel bound from a port in the United States to any foreign port, or of any ship or vessel of the burthen of fifty tons or upwards, bound from a port in one state to a port in any other than an adjoining state, shall, before he proceed on such voyage, make an agreement in writing or in print, with every seaman or mariner on board such ship or vessel (except such as shall be apprentice or servant to himself or owners) declaring the voyage or voyages, term or terms of time, for which such seaman or mariner shall be shipped. (a) And if any master or commander of such ship or vessel shall carry out any seaman or mariner (except apprentices or servants as aforesaid) without such contract or agreement being first made and signed by the seamen and mariners, such master or commander shall pay to every such seaman or mariner the highest price or wages which shall have been given at the port or place where such seaman or mariner shall have been shipped, for a similar voyage, within three months next before the time of such shipping: *Provided* such seaman or mariner shall perform such voyage: or if not, then for such time as he shall continue to do duty on board such ship or vessel; and shall moreover forfeit twenty dollars for every such seaman or mariner, one half to the use of the person prosecuting for the same, the other half to the use of the United States: and such seaman or mariner, not having signed such contract, shall not be bound by the regulations, nor subject to the penalties and forfeitures contained in this act.

SEC. 2. *And be it [further] enacted*, That at the foot of every such contract, there shall be a memorandum in writing, of the day and the hour on which such seaman or mariner, who shall so ship and subscribe, shall render themselves on board, to begin the voyage agreed upon. And if any such seaman or mariner shall neglect to render himself on board the ship or vessel, for which he has shipped, at the time mentioned in such memorandum, and if the master, commander, or other officer of the ship or vessel, shall, on the day on which such neglect happened, make an entry in the log-book of such ship or vessel, of the name of such seaman or mariner, and shall in like manner note the time that he so neglected to render himself (after the time appointed); every such seaman or mariner shall forfeit for every hour which he shall so neglect to render himself, one day's pay, according to the rate of wages agreed upon, to be deducted out of his wages. (b) And if

Master and seamen to execute a shipping agreement.

1792, ch. 24.  
1796, ch. 36.  
1798, ch. 77.  
1799, ch. 36.

Exception as to apprentices, &c.

1802, ch. 51.  
1805, ch. 28.

Penalties on the master for omission; the highest rate of wages at the place of shipping.

Proviso, as to performance of the voyage by the seaman.

1813, ch. 42.  
1814, ch. 8.

Memorandum at the foot of the articles.

Penalty for a seaman neglecting to render himself on board at the time agreed upon.

(a) It seems that no stipulation contrary to the maritime law, to the injury of the seamen, will be allowed to stand, unless an adequate compensation be given to the seamen. *Harden v. Gordon* et al., 2 Mason's C. C. R. 541. *The Lady Waterstoff*, 1 Adm. Decisions, 214.

The crew of a ship who have signed articles for the voyage under a particular master, without any clause providing for the change of master, are not discharged from the articles by the dismissal of the master by reason of sickness or any other reasonable cause, and the appointment of a new master. They are bound to obey the new master. *The United States v. Ruggles*, 5 Mason's C. C. R. 192.

If the shipping articles are to the final port of discharge, the voyage is not ended until the cargo is wholly unladen. The owner may order the vessel from port to port, until the whole cargo is discharged. *The United States v. Barker*, 5 Mason's C. C. R. 404.

In the shipping articles used in the United States, though wages are designated by the month, yet the contract is entire for the voyage. 1 Adm. Decisions, 142.

A seaman shipped for the voyage, without signing the articles, must be paid the highest rate of wages at the port within three months, and be subject to all the forfeitures imposed and fixed by the maritime law existing before the act of Congress. *The Regulus*, 1 Admiralty Decisions, 215.

The shipping articles must declare, explicitly, the ports at which the voyage is to commence and terminate. *Magee v. The Moss*, Gilpin's Rep. 219.

(b) To justify the forfeiture of a seaman's wages for absence, under the provisions of the act of 1790, the entry in the log-book is indispensable. *Wood v. The Nimrod*, Gilpin's Rep. 86, 212. *Brower v. The Maiden*, Gilpin's Rep. 296.

To receive mariners on board after desertion, is a waiver or pardon of the forfeitures incurred previously. 1 Adm. Decisions, 163.

## Desertion.

any such seaman or mariner shall wholly neglect to render himself on board of such ship or vessel, or having rendered himself on board, shall afterwards desert and escape, so that the ship or vessel proceed to sea without him, every such seaman or mariner shall forfeit and pay to the master, owner or consignee of the said ship or vessel, a sum equal to that which shall have been paid to him by advance at the time of signing the contract, over and besides the sum so advanced, both which sums shall be recoverable in any court, or before any justice of justices of any state, city, town or county within the United States, which, by the laws thereof, have cognizance of debts of equal value, against such seaman or mariner, or his surety or sureties, in case he shall have given surety to proceed the voyage.

## Recovery of forfeitures.

## Vessel leaky, or unfit for the voyage.

## Proceedings.

## Application by the master to the district judge, or some justice of the peace.

## Precept from the judge. &amp;c.

## Master to pay costs in the first instance.

## If complaint groundless, costs to be charged to seamen.

SEC. 3. *And be it [further] enacted*, That if the mate or first officer under the master, and a majority of the crew of any ship or vessel, bound on a voyage to any foreign port, shall, after the voyage is begun (and before the ship or vessel shall have left the land) discover that the said ship or vessel is too leaky, or is otherwise unfit in her crew, body, tackle, apparel, furniture, provisions or stores, to proceed on the intended voyage, and shall require such unfitness to be inquired into, the master or commander shall, upon the request of the said mate (or other officer) and such majority, forthwith proceed to or stop at the nearest or most convenient port or place where such inquiry can be made, and shall there apply to the judge of the district court, if he shall there reside, or if not, to some justice of the peace of the city, town or place, taking with him two or more of the said crew who shall have made such request; and thereupon such judge or justice is hereby authorized and required to issue his precept directed to three persons in the neighbourhood, the most skilful in maritime affairs that can be procured, requiring them to repair on board such ship or vessel, and to examine the same in respect to the defects and insufficiencies complained of, and to make report to him the said judge or justice, in writing under their hands, or the hands of two of them, whether in any, or in what respect the said ship or vessel is unfit to proceed on the intended voyage, and what addition of men, provisions or stores, or what repairs or alterations in the body, tackle or apparel will be necessary; and upon such report the said judge or justice shall adjudge and determine, and shall endorse on the said report his judgment, whether the said ship or vessel is fit to proceed on the intended voyage; and if not, whether such repairs can be made or deficiencies supplied where the ship or vessel then lays, or whether it be necessary for the said ship or vessel to return to the port from whence she first sailed, to be there refitted; and the master and crew shall in all things conform to the said judgment; and the master or commander shall, in the first instance, pay all the costs of such view, report and judgment, to be taxed and allowed on a fair copy thereof, certified by the said judge or justice. But if the complaint of the said crew shall appear upon the said report and judgment, to have been without foundation, then the said master, or the owner or consignee of such ship or vessel, shall deduct the amount thereof, and of reasonable damages for the detention (to be ascertained by the said judge or justice) out of the wages growing due to the complaining seamen or mariners. And if after such judgment, such ship or vessel is fit to proceed on her intended voyage, or after procuring such men, provisions, stores, repairs or alterations as may be directed, the said seamen or mariners, or either of them, shall refuse to proceed on the voyage, it shall and may be lawful for any justice of the peace to commit by warrant under his hand and

As to the forfeiture of their wages by seamen, see *Brown v. Jones*, 2 Gallis. C. C. R. 477. *The Two Catherinees*, 2 Mason's C. C. R. 319. *The Ship Mentor*, 4 Mason's C. C. R. 84. *Orne v. Townsend*, 4 Mason's C. C. R. 541. *The Phœbe*, 1 Wash. C. C. R. 48. *The Maria*, 1 Adm. Decisions, 186. *Sims v. Mariners*, 2 Adm. Decisions, 393. *Sprague v. Kain*, Bee's Rep. 184. *Peters' Digest*,—"Admiralty."

seal, every such seaman or mariner (who shall so refuse) to the common gaol of the county, there to remain without bail or main prize, until he shall have paid double the sum advanced to him at the time of subscribing the contract for the voyage, together with such reasonable costs as shall be allowed by the said justice, and inserted in the said warrant, and the surety or sureties of such seaman or mariner (in case he or they shall have given any) shall remain liable for such payment; nor shall any such seaman or mariner be discharged upon any writ of habeas corpus or otherwise, until such sum be paid by him or them, or his or their surety or sureties, for want of any form of commitment, or other previous proceedings. *Provided*, That sufficient matter shall be made to appear, upon the return of such habeas corpus, and an examination then to be had, to detain him for the causes herein before assigned.

SEC. 4. *And be it [further] enacted*, That if any person shall harbor or secrete any seaman or mariner belonging to any ship or vessel, knowing them to belong thereto, every such person, on conviction thereof before any court in the city, town or county where he, she or they may reside, shall forfeit and pay ten dollars for every day which he, she or they shall continue so to harbor or secrete such seaman or mariner, one half to the use of the person prosecuting for the same, the other half to the use of the United States; and no sum exceeding one dollar, shall be recoverable from any seaman or mariner by any one person, for any debt contracted during the time such seaman or mariner shall actually belong to any ship or vessel, until the voyage for which such seaman or mariner engaged shall be ended.

SEC. 5. *And be it [further] enacted*, That if any seaman or mariner, who shall have subscribed such contract as is herein before described, shall absent himself from on board the ship or vessel in which he shall so have shipped, without leave of the master or officer commanding on board; (a) and the mate, or other officer having charge of the log-book, shall make an entry therein of the name of such seaman or mariner, on the day on which he shall so absent himself, and if such seaman or mariner shall return to his duty within forty-eight hours, such seaman or mariner shall forfeit three days pay for every day which he shall so absent himself, to be deducted out of his wages; but if any seaman or mariner shall absent himself for more than forty-eight hours at one time, he shall forfeit all the wages due to him, and all his goods and chattels which were on board the said ship or vessel, or in any store where they may have been lodged at the time of his desertion, to the use of the owners of the ship or vessel, and moreover shall be liable to pay to him or them all damages which he or they may sustain by being obliged to hire other seamen or mariners in his or their place, and such damages shall be recovered with costs, in any court or before any justice or justices having jurisdiction of the recovery of debts to the value of ten dollars or upwards.

SEC. 6. *And be it [further] enacted*, That every seaman or mariner shall be entitled to demand and receive from the master or commander of the ship or vessel to which they belong, one third part of the wages which shall be due to him at every port where such ship or vessel shall unlade and deliver her cargo before the voyage be ended, unless the contrary be expressly stipulated in the contract: and as soon as the voyage is ended, and the cargo or ballast be fully discharged at the last port of delivery, every seaman or mariner shall be entitled to the wages which shall be then due

Seamen refusing to proceed to sea, after proceedings, if vessel found sea worthy, to be imprisoned.

Not to be discharged on Habeas Corpus, until damages be paid.

Penalty for harboring runaway seamen.

No sum exceeding one dollar to be recoverable for any debt from seamen during the voyage.

Mariner absents himself from duty, penalty on, and how to be proceeded against.

Penalty.

Damages recoverable.

When, and at what port entitled to demand his wages.

(a) Desertion during the voyage, is, by the maritime law, a forfeiture of all the wages antecedently due. But a desertion to work this effect, must not be merely an absence without leave, or in disobedience of orders, but an intention to abandon the ship and the service. 1 Sumner's Rep. 373.

As to desertion, see the following cases. Emmerson v. Howland, 1 Mason's C. C. R. 45. Sims v. Mariners, 2 Adm. Decisions, 393. Wood v. The Nimrod, Gilpin's Rep. 86. Magee v. The Moss, Gilpin's Rep. 219.



How wages to be recovered if withheld.

All the seamen may join in the suit.

Contract to be produced by master.

Remedy at common law.

Mariner deserting at any port or place, how to be proceeded against and punished.

Proceedings.

1842, ch. 28.

Every ship or vessel outward bound, to be furnished with a medicine chest:

according to his contract; (a) and if such wages shall not be paid within ten days after such discharge, or if any dispute shall arise between the master and seamen or mariners touching the said wages, it shall be lawful for the judge of the district where the said ship or vessel shall be, or in case his residence be more than three miles from the place, or of his absence from the place of his residence, then, for any judge or justice of the peace, to summon the master of such ship or vessel to appear before him, to show cause why process should not issue against such ship or vessel, her tackle, furniture and apparel, according to the course of admiralty courts, to answer for the said wages: and if the master shall neglect to appear, or appearing, shall not show that the wages are paid, or otherwise satisfied or forfeited, and if the matter in dispute shall not be forthwith settled, in such case the judge or justice shall certify to the clerk of the court of the district, that there is sufficient cause of complaint whereon to found admiralty process, and thereupon the clerk of such court shall issue process against the said ship or vessel, and the suit shall be proceeded on in the said court, and final judgment be given according to the course of admiralty courts in such cases used; and in such suit all the seamen or mariners (having cause of complaint of the like kind against the same ship or vessel) shall be joined as complainants; and it shall be incumbent on the master or commander to produce the contract and log-book, if required, to ascertain any matters in dispute; otherwise the complainants shall be permitted to state the contents thereof, and the proof of the contrary shall lie on the master or commander; but nothing herein contained shall prevent any seaman or mariner from having or maintaining any action at common law for the recovery of his wages, or from immediate process out of any court having admiralty jurisdiction, wherever any ship or vessel may be found, in case she shall have left the port of delivery where her voyage ended, before payment of the wages, or in case she shall be about to proceed to sea before the end of the ten days next after the delivery of her cargo or ballast.

SEC. 7. *And be it [further] enacted*, That if any seaman or mariner, who shall have signed a contract to perform a voyage, shall, at any port or place, desert, or shall absent himself from such ship or vessel, without leave of the master, or officer commanding in the absence of the master, it shall be lawful for any justice of peace within the United States (upon the complaint of the master) to issue his warrant to apprehend such deserter, and bring him before such justice; and if it shall then appear by due proof, that he has signed a contract within the intent and meaning of this act, and that the voyage agreed for is not finished, altered, or the contract otherwise dissolved, and that such seaman or mariner has deserted the ship or vessel, or absented himself without leave, the said justice shall commit him to the house of correction or common gaol of the city, town or place, there to remain until the said ship or vessel shall be ready to proceed on her voyage, or till the master shall require his discharge, and then to be delivered to the said master, he paying all the cost of such commitment, and deducting the same out of the wages due to such seaman or mariner.

SEC. 8. *And be it [further] enacted*, That every ship or vessel belonging to a citizen or citizens of the United States, of the burthen of one hundred and fifty tons or upwards, navigated by ten or more persons in the whole, and bound on a voyage without the limits of the United States, shall be provided with a chest of medicines, put up by some apothecary of known reputation, and accompanied by directions for administering the same; and the said medicines shall be examined by the same or some other

(a) Wages are payable in ten days from the end of the voyage, but in some cases fifteen days are allowed for the discharge of the cargo and payment of the freight. *Edwards v. The Susan*, 1 Adm. Decisions, 165.

The end of the voyage is the period when wages are due. *Ibid.*

apothecary, once at least in every year, and supplied with fresh medicines in the place of such as shall have been used or spoiled; and in default of having such medicine chest so provided, and kept fit for use, the master or commander of such ship or vessel shall provide and pay for all such advice, medicine, or attendance of physicians, as any of the crew shall stand in need of in case of sickness, at every port or place where the ship or vessel may touch or trade at during the voyage, without any deduction from the wages of such sick seaman or mariner.(a)

Penalty on the master for default.

SEC. 9. *And be it [further] enacted*, That every ship or vessel, belonging as aforesaid, bound on a voyage across the Atlantic ocean, shall, at the time of leaving the last port from whence she sails, have on board, well secured under deck, at least sixty gallons of water, one hundred pounds of salted flesh meat, and one hundred pounds of wholesome ship-bread, for every person on board such ship or vessel, over and besides such other provisions, stores and live-stock as shall by the master or passengers be put on board, and in like proportion for shorter or longer voyages; and in case the crew of any ship or vessel, which shall not have been so provided, shall be put upon short allowance in water, flesh or bread, during the voyage, the master or owner of such ship or vessel shall pay to each of the crew, one day's wages beyond the wages agreed on, for every day they shall be so put to short allowance, to be recovered in the same manner as their stipulated wages.(b)

Act of March 2, 1805, ch. 28. Ships, &c. bound across the Atlantic, what supply of provisions and water shall be laid in.

Penalty for short allowance of provisions and water.

APPROVED, July 20, 1790.

## STATUTE II.

### CHAP. XXX.—*An Act imposing duties on the tonnage of ships or vessels.*

July 20, 1790.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That upon all ships or vessels which after the first day of September next, shall be entered in the United States from any foreign port or place, there shall be paid the several and respective duties following, that is to say: On ships or vessels of the United States at the rate of six cents per ton: on ships or vessels built within the United States after the twentieth day of July last, but belonging wholly or in part to subjects of foreign powers, at the rate of thirty cents per ton: on other ships or vessels at the rate of fifty cents per ton.(c)

Tonnage duty on ships or vessels of U. States,

on those of foreigners;

on all others.

SEC. 2. *And be it further enacted*, That the aforesaid duty of six cents per ton, shall be also paid upon every ship or vessel of the United States, which after the said first day of September next, shall be entered in a district in one state from a district in another state, other than an ad-

On ships or vessels of the U. States, trading between district and district.

(a) The act of Congress of July 20, 1790, for the government and regulation of seamen in the merchant service, has not changed the maritime law, except, perhaps, so far as respects medicines and medical advice, when there is a proper medicine chest, and medical directions on board the vessel. The charges for nursing and lodging are not affected by the act. *Harden v. Gordon et al.*, 2 Mason, 541.

The expense of curing a sick seaman, in the course of a voyage, is a charge on the ship by the maritime law. *Ibid.*

The onus probandi in respect to the sufficiency of the medicine chest, lies on the owner, in an action by the seamen for wages. *Ibid.*

A stipulation that the seamen shall pay for medical advice and medicine, without any condition that there shall be a suitable medicine chest, &c., is void as contrary to the act of Congress. *Ibid.*

When a seaman at a foreign port, contracts an ordinary disease, without any fault of his own, and remains on board a vessel which is properly provided with a medicine chest, the expense of a physician, if necessary for the safety of his life is to be deducted from his wages. *Holmes v. Hutchinson*, Gilpin's Rep. 448.

(b) In reference to the claims of seamen for "short allowance," it was decided that the navy rations furnish a rule by which the allowance to seamen shall be determined. That when the articles mentioned in the act of Congress can be procured, no substitute shall be allowed; but it is otherwise if they cannot be obtained. The ship *Washington*, 1 Adm. Decisions, 219.

The provisions of the act of Congress relative to short allowance, do not apply to seamen shipped while the ship is at a foreign port. *Ibid.*

(c) See act of March 3, 1815, obsolete; act of April 20, 1818, obsolete; act of March 3, 1819, obsolete.

On ships or vessels not of U. States, trading between district and district.

Payment of foreign tonnage heretofore exacted on certain vessels of the U. States, employed in coasting trade and fisheries.

Restitution to be made for.

Act of 1789, ch. 11. sec. 23.

See acts of 1799, ch. 22, sec. 63, 64.  
1802, ch. 45, sec. 8.

Not demandable in future.

Repeal of former act.

1789, ch. 3.

## STATUTE II.

July 22, 1790.

[Expired.]  
\$20,000 arising from imports and tonnage, appropriated.

1789, ch. 10.

joining state on the sea-coast, or on a navigable river, having on board goods, wares and merchandise taken in one state to be delivered in another state: *Provided*, That it shall not be paid on any ship or vessel having a license to trade between the different districts of the United States, or to carry on the bank or whale fisheries, whilst employed therein, more than once a year. (a)

SEC. 3. *And be it further enacted*, That upon every ship or vessel not of the United States, which after the said first day of September next, shall be entered in one district from another district, having on board goods, wares and merchandise taken in, in one district to be delivered in another district, there shall be paid at the rate of fifty cents per ton.

And whereas it is declared by the twenty-third section of the act, intituled "An act for registering and clearing vessels, regulating the coasting trade, and for other purposes," "That if any vessel of the burthen of twenty tons or upwards, not having a certificate of registry or enrolment, and a license, shall be found trading between different districts, or be employed in the bank or whale fisheries, every such ship or vessel shall be subject to the same tonnage and fees as foreign ships or vessels," which, from the impracticability in some cases of obtaining licenses in due season, and from misapprehension in others, has operated to the prejudice of individuals; and it being proper that relief should be granted in cases where the strict operation of new laws may have occasioned hardship and inconvenience:

SEC. 4. *Be it therefore further enacted*, That in all cases in which the said foreign duty shall have been heretofore paid on ships or vessels of the United States, whether registered at the time of payment or afterwards, restitution thereof shall be made, and that no such foreign duty shall hereafter be demanded on the said ships or vessels.

SEC. 5. *And be it further enacted*, That the act, intituled "An act imposing duties on tonnage," shall, after the said first day of September next, be repealed, and shall thenceforth cease to operate, except as to the collection of the duties which shall have accrued prior to the said repeal, for which purpose the said act shall continue in force.

APPROVED, July 20, 1790.

CHAP. XXXI.—*An Act providing for holding a Treaty or Treaties to establish Peace with certain Indian tribes.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in addition to the balance unexpended, of the sum of twenty thousand dollars, appropriated by the act, intituled "An act providing for the expenses which may attend negotiations or treaties with the Indian tribes, and the appointment of commissioners for managing the same," a farther sum, not exceeding twenty thousand dollars, arising from the duties on imports and tonnage, shall be, and the same is hereby appropriated for defraying the expenses of negotiating, and holding a treaty or treaties, and for promoting a friendly intercourse, and preserving peace with the Indian tribes.

APPROVED, July 22, 1790.

(a) The acts imposing duties on the tonnage of domestic ships or vessels, have been:

Act of July 20, 1790, chap. 30; act of March 2, 1799, chap. 23; act of May 1, 1802, chap. 45; act of April 27, 1816, chap. 107; act of January 14, 1817, chap. 3; act of March 1, 1817, chap. 31; act of May 31, 1830, chap. 219; act of August 30, 1842, chap. 270.

*Tonnage duties on foreign ships.*—Act of July 20, 1790, chap. 30; act of March 2, 1799, chap. 23; act of May 1, 1802, chap. 45; act of April 27, 1816, chap. 107; act of January 14, 1817, chap. 3; act of March 1, 1817, chap. 31, sec. 6; act of May 31, 1830, chap. 219; act of August 30, 1842, chap. 270.

CHAP. XXXII.—*An Act to amend the act for the establishment and support of Lighthouses, beacons, buoys, and public piers.*

STATUTE II.  
July 22, 1790.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all expenses which shall accrue from and after the fifteenth day of August next, for the necessary support, maintenance and repairs of all lighthouses, beacons, buoys and public piers, within the United States, shall continue to be defrayed by the United States, until the first day of July, one thousand seven hundred and ninety-one, notwithstanding such lighthouses, beacons, buoys, and public piers, with the lands and tenements thereunto belonging, and the jurisdictions of the same, shall not in the mean time be ceded to or vested in the United States, by the state or states respectively, in which the same may be, and that the said time be further allowed to the states respectively to make such cessations.

APPROVED, July 22, 1790.

Expense of lighthouses, &c. to be defrayed until 1st July, 1791, although not ceded, and States allowed till that day to make cessations.

CHAP. XXXIII.—*An Act to regulate trade and intercourse with the Indian tribes.*(a)

STATUTE II.  
July 22, 1790.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That no person shall be permitted to carry on any trade or intercourse with the Indian tribes, without a license for that purpose under the hand and seal of the superintendent of the department, or of such other person as the President of the United States shall appoint for that purpose; which superintendent, or other person so appointed, shall, on application, issue such license to any proper person, who shall enter into bond with one or more sureties, approved of by the superintendent, or person issuing such license, or by the President of the United States, in the penal sum of one thousand dollars, payable to the President of the United States for the time being, for the use of the United States, conditioned for the true and faithful observance of such rules, regulations and restrictions, as now are, or hereafter shall be made for the government of trade and intercourse with the Indian tribes. The said superintendents, and persons by them licensed as aforesaid, shall be governed in all things touching the said trade and intercourse, by such rules and regulations as the President shall prescribe. And no other person shall be permitted to carry on any trade or intercourse with the Indians without such license as aforesaid. No license shall be granted for a longer term than two years. *Provided nevertheless,* That the President may make such order respecting the tribes surrounded in their settlements by the citizens of the United States, as to secure an intercourse without license, if he may deem it proper.

Licenses to trade with the Indians, by whom to be granted,

and how to be obtained.

SEC. 2. *And be it further enacted,* That the superintendent, or person issuing such license, shall have full power and authority to recall all such licenses as he may have issued, if the person so licensed shall transgress any of the regulations or restrictions provided for the government of trade and intercourse with the Indian tribes, and shall put in suit such bonds as he may have taken, immediately on the breach of any condition in said bond: *Provided always,* That if it shall appear on trial, that the person from whom such license shall have been recalled, has not offended against any of the provisions of this act, or the regulations prescribed for the trade and intercourse with the Indian tribes, he shall be entitled to receive a new license.

May be recalled for certain transgressions.

SEC. 3. *And be it further enacted,* That every person who shall attempt to trade with the Indian tribes, or be found in the Indian country

Penalty for trading without license.

(a) See act of March 1, 1793, chap. 19. (Repealed.)

with such merchandise in his possession as are usually vended to the Indians, without a license first had and obtained, as in this act prescribed, and being thereof convicted in any court proper to try the same, shall forfeit all the merchandise so offered for sale to the Indian tribes, or so found in the Indian country, which forfeiture shall be one half to the benefit of the person prosecuting, and the other half to the benefit of the United States.

Sales of lands by Indians, in what cases valid.

SEC. 4. *And be it enacted and declared,* That no sale of lands made by any Indians, or any nation or tribe of Indians within the United States, shall be valid to any person or persons, or to any state, whether having the right of pre-emption to such lands or not, unless the same shall be made and duly executed at some public treaty, held under the authority of the United States.

Offences committed within the Indian territory, how to be punished.

SEC. 5. *And be it further enacted,* That if any citizen or inhabitant of the United States, or of either of the territorial districts of the United States, shall go into any town, settlement or territory belonging to any nation or tribe of Indians, and shall there commit any crime upon, or trespass against, the person or property of any peaceable and friendly Indian or Indians, which, if committed within the jurisdiction of any state, or within the jurisdiction of either of the said districts, against a citizen or white inhabitant thereof, would be punishable by the laws of such state or district, such offender or offenders shall be subject to the same punishment, and shall be proceeded against in the same manner as if the offence had been committed within the jurisdiction of the state or district to which he or they may belong, against a citizen or white inhabitant thereof.

Proceedings therein.

SEC. 6. *And be it further enacted,* That for any of the crimes or offences aforesaid, the like proceedings shall be had for apprehending, imprisoning or bailing the offender, as the case may be, and for recognizing the witnesses for their appearance to testify in the case, and where the offender shall be committed, or the witnesses shall be in a district other than that in which the offence is to be tried, for the removal of the offender and the witnesses or either of them, as the case may be, to the district in which the trial is to be had, as by the act to establish the judicial courts of the United States, are directed for any crimes or offences against the United States.

Act of Sep. 24, 1789.

Continuance of this act.

SEC. 7. *And be it further enacted,* That this act shall be in force for the term of two years, and from thence to the end of the next session of Congress, no longer.

APPROVED, July 22, 1790.

## STATUTE II.

August 4, 1790.

CHAP. XXXIV.—*An Act making provision for the [payment of the] Debt of the United States.*(a)

[Obsolete.]  
Recital.

WHEREAS, justice and the support of public credit require, that provision should be made for fulfilling the engagements of the United States, in respect to their foreign debt, and for funding their domestic debt upon equitable and satisfactory terms :

Duties on imports and tonnage appropriated to pay interest on the foreign debt and future loans, reserving

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That reserving out of the monies which have arisen since the last day of December last past, and which shall hereafter arise from the duties on goods, wares and merchandise imported into the United States, and on the tonnage of ships or vessels, the yearly sum of six hundred thousand

(a) The acts making provision for the debt of the United States, contracted during the war of the revolution, have been: Act of August 4, 1790, chap. 34; act of August 10, 1790, chap. 39; act of December 27, 1790, chap. 1; act of August 12, 1790, chap. 47; act of May 8, 1792, chap. 38; act of March 2, 1793, chap. 25; act of May 30, 1794, chap. 36; act of January 28, 1795, chap. 13; act of February 19, 1796, chap. 2; act of March 3, 1797, chap. 25; act of March 3, 1791, chap. 25.

dollars, or so much thereof as may be appropriated from time to time, towards the support of the government of the United States, and their common defence, the residue of the said monies, or so much thereof, as may be necessary, as the same shall be received in each year, next after the sum reserved as aforesaid, shall be, and is hereby appropriated to the payment of the interest which shall from time to time become due on the loans heretofore made by the United States in foreign countries; and also to the payment of interest on such further loans as may be obtained for discharging the arrears of interest thereupon, and the whole or any part of the principal thereof; to continue so appropriated until the said loans, as well those already made as those which may be made in virtue of this act, shall be fully satisfied, pursuant to the contracts relating to the same, any law to the contrary notwithstanding. *And provided*, That nothing herein contained, shall be construed to annul or alter any appropriation by law made prior to the passing of this act.

600,000 dollars annually for support of government.

And as new loans are and will be necessary for the payment of the aforesaid arrears of interest, and the instalments of the principal of the said foreign debt due and growing due, and may also be found expedient for effecting an entire alteration in the state of the same:

For payment of interest and instalments of foreign debt.

SEC. 2. *Be it further enacted*, That the President of the United States be, and he is hereby authorized, to cause to be borrowed on behalf of the United States, a sum or sums, not exceeding in the whole twelve million of dollars; and that so much of this sum as may be necessary to the discharge of the said arrears and instalments, and (if it can be effected upon terms advantageous to the United States) to the paying off the whole of the said foreign debt, be appropriated solely to those purposes: And the President is moreover further authorized to cause to be made such other contracts respecting the said debt as shall be found for the interest of the said States. *Provided nevertheless*, That no engagement nor contract shall be entered into which shall preclude the United States from reimbursing any sum or sums borrowed within fifteen years after the same shall have been lent or advanced.

President may make new loans and contracts.

And whereas it is desirable to adapt the nature of the provision to be made for the domestic debt to the present circumstances of the United States, as far as it shall be found practicable, consistently with good faith and the rights of the creditors; which can only be done by a voluntary loan on their part:

SEC. 3. *Be it therefore further enacted*, That a loan to the full amount of the said domestic debt be, and the same is hereby proposed; and that books for receiving subscriptions to the said loan be opened at the treasury of the United States, and by a commissioner to be appointed in each of the said states, on the first day of October next, to continue open until the last day of September following, inclusively; and that the sums which shall be subscribed thereto, be payable in certificates issued for the said debt, according to their specie value, and computing the interest upon such as bear interest to the last day of December next, inclusively; which said certificates shall be of these several descriptions, to wit:

Domestic debt to be loaned to its full amount, and subscriptions thereto, how to be made;

Those issued by the register of the treasury.

in what payable.

Those issued by the commissioners of loans in the several states, including certificates given pursuant to the act of Congress of the second of January, one thousand seven hundred and seventy-nine, for bills of credit of the several emissions of the twentieth of May, one thousand seven hundred and seventy-seven, and the eleventh of April, one thousand seven hundred and seventy-eight.

Those issued by the commissioners for the adjustment of the accounts of the quartermaster, commissary, hospital, clothing, and marine departments.

Those issued by the commissioners for the adjustment of accounts in the respective states.

Those issued by the late and present paymaster-general, or commissioner of army accounts.

Those issued for the payment of interest, commonly called indents of interest.

And in the bills of credit issued by the authority of the United States in Congress assembled, at the rate of one hundred dollars in the said bills, for one dollar in specie.

Subscribers paying in principal of domestic debt, what proportions of principal, rate of interest and terms of payment entitled to.

SEC. 4. *And be it further enacted*, That for the whole or any part of any sum subscribed to the said loan, by any person or persons, or body politic, which shall be paid in the principal of the said domestic debt, the subscriber or subscribers shall be entitled to a certificate, purporting that the United States owe to the holder or holders thereof, his, her, or their assigns, a sum to be expressed therein, equal to two thirds of the sum so paid, bearing an interest of six per centum per annum, payable quarter yearly, and subject to redemption by payments not exceeding in one year, on account both of principal and interest, the proportion of eight dollars upon a hundred of the sum mentioned in such certificate; and to another certificate purporting that the United States owe to the holder or holders thereof, his, her or their assigns, a sum to be expressed therein, equal to the proportion of thirty-three dollars and one third of a dollar upon a hundred of the sum so paid, which after the year one thousand eight hundred shall bear an interest of six per centum per annum, payable quarter yearly, and subject to redemption by payments not exceeding in one year, on account both of principal and interest, the proportion of eight dollars upon a hundred of the sum mentioned in such certificate: *Provided*, That it shall not be understood that the United States shall be bound or obliged to redeem in the proportion aforesaid; but it shall be understood only that they have a right so to do.

Subscribers paying in interest of domestic debt, what proportions of principal, rate of interest, and terms of payment entitled to.

SEC. 5. *And be it further enacted*, That for the whole or any part of any sum subscribed to the said loan by any person or persons, or body politic, which shall be paid in the interest of the said domestic debt, computed to the said last day of December next, or in the said certificates issued in payment of interest, commonly called indents of interest, the subscriber or subscribers shall be entitled to a certificate purporting that the United States owe to the holder or holders thereof, his, her or their assigns, a sum to be specified therein, equal to that by him, her or them so paid, bearing an interest of three per centum per annum, payable quarter yearly, and subject to redemption by payment of the sum specified therein, whenever provision shall be made by law for that purpose.

Commissioner to be appointed in each state to receive subscriptions, &c.

SEC. 6. *And be it further enacted*, That a commissioner be appointed for each state, to reside therein, whose duty it shall be to superintend the subscriptions to the said loan; to open books for the same; to receive the certificates which shall be presented in payment thereof; to liquidate the specie value of such of them as shall not have been before liquidated; to issue the certificates above mentioned in lieu thereof, according to the terms of each subscription; to enter in books to be by him kept for that purpose, credits to the respective subscribers to the said loan for the sums to which they shall be respectively entitled; to transfer the said credits upon the said books from time to time as shall be requisite; to pay the interest thereupon as the same shall become due, and generally to observe and perform such directions and regulations as shall be prescribed to him by the Secretary of the Treasury, touching the execution of his office.

SEC. 7. *And be it further enacted*, That the stock which shall be created pursuant to this act, shall be transferable only on the books of

the treasury, or of the said commissioners respectively, upon which the credit for the same shall exist at the time of transfer, by the proprietor or proprietors of such stock, his, her or their attorney: but it shall be lawful for the Secretary of the Treasury, by special warrant under his hand and the seal of the treasury, countersigned by the comptroller, and registered by the register, at the request of the respective proprietors, to authorize the transfer of such stock from the books of one commissioner to those of another commissioner, or to those of the treasury, and from those of the treasury to those of a commissioner.

Stock created  
by this act, how  
transferable,

SEC. 8. *And be it further enacted*, That the interest upon the said stock, as the same shall become due, shall be payable quarter yearly—that is to say: One fourth part thereof on the last day of March: one other fourth part thereof on the last day of June: one other fourth part thereof on the last day of September; and the remaining fourth part thereof on the last day of December in each year, beginning on the last day of March next ensuing; and payment shall be made wheresoever the credit for the said stock shall exist at the time such interest shall become due—that is to say: At the treasury, or at the office of the commissioner upon whose books such credit shall then exist. But if the interest for one quarter shall not be demanded before the expiration of a third quarter, the same shall be afterwards demandable only at the treasury.

and interest  
thereon payable  
quarterly.

And as it may happen that some of the creditors of the United States may not think fit to become subscribers to the said loan:

SEC. 9. *Be it further enacted*, That nothing in this act contained shall be construed in any wise to alter, abridge or impair the rights of those creditors of the United States, who shall not subscribe to the said loan, or the contracts upon which their respective claims are founded; but the said contracts and rights shall remain in full force and virtue.

Non-subscribing  
creditors,  
their rights not  
to be impaired,  
and

And that such creditors may not be excluded from a participation in the benefit hereby intended to the creditors of the United States in general, while the said proposed loan shall be depending, and until it shall appear from the event thereof what farther or other arrangements may be necessary respecting the said domestic debt:

SEC. 10. *Be it therefore further enacted*, That such of the creditors of the United States as may not subscribe to the said loan, shall nevertheless receive during the year one thousand seven hundred and ninety-one, a rate per centum on the respective amounts of their respective demands, including interest to the last day of December next, equal to the interest payable to subscribing creditors, to be paid at the same times, at the same places, and by the same persons as is herein before directed, concerning the interest on the stock which may be created in virtue of the said proposed loan. But as some of the certificates now in circulation have not heretofore been liquidated to specie value, as most of them are greatly subject to counterfeit, and counterfeits have actually taken place in numerous instances, and as embarrassment and imposition might, for these reasons, attend the payment of interest on those certificates in their present form, it shall therefore be necessary to entitle the said creditors to the benefit of the said payment, that those of them who do not possess certificates issued by the register of the treasury, for the registered debt, should produce previous to the first day of June next, their respective certificates, either at the treasury of the United States, or to some one of the commissioners to be appointed as aforesaid, to the end that the same may be cancelled, and other certificates issued in lieu thereof; which new certificates shall specify the specie amount of those in exchange for which they are given, and shall be otherwise of the like tenor with those heretofore issued by the said register of the treasury for the said registered debt, and shall be trans-

to be paid a rate  
per cent. on the  
amount of their  
demands equal  
to the interest  
allowed to sub-  
scribing credi-  
tors.

All certificates  
in circulation,  
to be cancelled  
and new ones  
issued.



ferable on the like principles with those directed to be issued on account of the subscriptions to the loan hereby proposed.

Commissioners  
their salaries,

SEC. 11. *And be it further enacted*, That the commissioners who shall be appointed pursuant to this act, shall respectively be entitled to the following yearly salaries, that is to say: The commissioner for the state of New Hampshire, six hundred and fifty dollars: The commissioner for the state of Massachusetts, fifteen hundred dollars: The commissioner for the state of Rhode Island and Providence Plantations, six hundred dollars: The commissioner for the state of Connecticut, one thousand dollars: The commissioner for the state of New York, fifteen hundred dollars: The commissioner for the state of New Jersey, seven hundred dollars: The commissioner for the state of Pennsylvania, fifteen hundred dollars: The commissioner for the state of Delaware, six hundred dollars: The commissioner for the state of Maryland, one thousand dollars: The commissioner for the state of Virginia, fifteen hundred dollars: The commissioner for the state of North Carolina, one thousand dollars: The commissioner for the state of South Carolina, one thousand dollars: The commissioner for the state of Georgia, seven hundred dollars: Which salaries shall be in full compensation for all services and expenses.

to take an oath  
and enter into  
bond.

SEC. 12. *And be it further enacted*, That the said commissioners, before they enter upon the execution of their several offices, shall respectively take an oath or affirmation for the diligent and faithful execution of their trust, and shall also become bound with one or more sureties to the satisfaction of the Secretary of the Treasury, in a penalty not less [than] five thousand, nor more than ten thousand dollars, with condition for their good behaviour in their said offices respectively.

State debts

And whereas a provision for the debts of the respective states by the United States, would be greatly conducive to an orderly, economical and effectual arrangement of the public finances:

assumed, to  
amount of  
\$21,500,000  
and a loan pro-  
posed, payable  
in certificates of  
the states,

SEC. 13. *Be it therefore further enacted*, That a loan be proposed to the amount of twenty-one million and five hundred thousand dollars, and that subscriptions to the said loan be received at the same times and places, and by the same persons, as in respect to the loan herein before proposed concerning the domestic debt of the United States. And that the sums which shall be subscribed to the said loan, shall be payable in the principal and interest of the certificates or notes, which prior to the first day of January last, were issued by the respective states, as acknowledgments or evidences of debts by them respectively owing, except certificates issued by the commissioners of army accounts in the state of North Carolina, in the year one thousand seven hundred and eighty-six.

not exceeding a  
certain sum in  
each.

*Provided*, That no greater sum shall be received in the certificates of any state than as follows; that is to say:

In those of New Hampshire, three hundred thousand dollars.

In those of Massachusetts, four million dollars.

In those of Rhode Island and Providence Plantations, two hundred thousand dollars.

In those of Connecticut, one million six hundred thousand dollars.

In those of New York, one million two hundred thousand dollars.

In those of New Jersey, eight hundred thousand dollars.

In those of Pennsylvania, two million two hundred thousand dollars.

In those of Delaware, two hundred thousand dollars.

In those of Maryland, eight hundred thousand dollars.

In those of Virginia, three million five hundred thousand dollars.

In those of North Carolina, two million four hundred thousand dollars.

In those of South Carolina, four million dollars.

In those of Georgia, three hundred thousand dollars.

*And provided*, That no such certificate shall be received, which from the tenor thereof, or from any public record, act, or document, shall appear or can be ascertained to have been issued for any purpose, other than compensations and expenditures for services or supplies towards the prosecution of the late war, and the defence of the United States, or of some part thereof during the same.

What certificates shall not be received.

SEC. 14. *Provided also, and be it further enacted*, That if the total amount of the sums which shall be subscribed to the said loan in the debt of any state, within the time limited for receiving subscriptions thereto, shall exceed the sum by this act allowed to be subscribed within such state, the certificates and credits granted to the respective subscribers, shall bear such proportion to the sums by them respectively subscribed, as the total amount of the said sums shall bear to the whole sum so allowed to be subscribed in the debt of such state within the same. And every subscriber to the said loan shall, at the time of subscribing, deposit with the commissioner the certificates or notes to be loaned by him.

Subscriptions exceeding the sum allowed to any state, what proportion shall be paid.

SEC. 15. *And be it further enacted*, That for two thirds of any sum subscribed to the said loan, by any person or persons, or body politic, which shall be paid in the principal and interest of the certificates or notes issued as aforesaid by the respective states, the subscriber or subscribers shall be entitled to a certificate, purporting that the United States owe to the holder or holders thereof, or his, her or their assigns, a sum to be expressed therein, equal to two thirds of the aforesaid two thirds, bearing an interest of six per centum per annum, payable quarter yearly, and subject to redemption by payments, not exceeding in one year, on account both of principal and interest, the proportion of eight dollars upon a hundred of the sum mentioned in such certificate; and to another certificate, purporting that the United States owe to the holder or holders thereof, his, her or their assigns, a sum to be expressed therein, equal to the proportion of thirty-three dollars and one third of a dollar upon a hundred of the said two thirds of such sum so subscribed, which after the year one thousand eight hundred shall bear an interest of six per centum per annum, payable quarter yearly, and subject to redemption by payments, not exceeding in one year, on account both of principal and interest, the proportion of eight dollars upon a hundred of the sum mentioned in such certificate; and that for the remaining third of any sum so subscribed, the subscriber or subscribers shall be entitled to a certificate, purporting that the United States owe to the holder or holders thereof, his, her or their assigns, a sum to be expressed therein, equal to the said remaining third, bearing an interest of three per cent. per annum, payable quarter yearly, and subject to redemption by payment of the sum specified therein whenever provision shall be made by law for that purpose.

Subscribers to said loan, what proportion of principal, rate of interest, and terms of payment entitled to.

SEC. 16. *And be it further enacted*, That the interest upon the certificates which shall be received in payment of the sums subscribed towards the said loan, shall be computed to the last day of the year one thousand seven hundred and ninety-one, inclusively; and the interest upon the stock which shall be created by virtue of the said loan, shall commence or begin to accrue on the first day of the year one thousand seven hundred and ninety-two, and shall be payable quarter yearly, at the same time, and in like manner as the interest on the stock to be created by virtue of the loan above proposed in the domestic debt of the United States.

Interest, how to be computed, and payable quarter yearly.

SEC. 17. *And be it further enacted*, That if the whole sum allowed to be subscribed in the debt or certificates of any state as aforesaid, shall not be subscribed within the time for that purpose limited, such state shall be entitled to receive, and shall receive from the United States, an interest per centum per annum, upon so much of the said sum as

Sum allowed to any state, not being subscribed, the

state to receive interest on amount of deficiency.

shall not have been so subscribed, equal to that which would have accrued on the deficiency, had the same been subscribed in trust for the non-subscribing creditors of such state, who are holders of certificates or notes issued on account of services or supplies towards the prosecution of the late war, and the defence of the United States or of some part thereof, to be paid in like manner as the interest on the stock which may be created by virtue of the said loan, and to continue until there shall be a settlement of accounts between the United States and the individual states; and in case a balance shall then appear in favour of such state, until provision shall be made for the said balance.

But as certain states have respectively issued their own certificates, in exchange for those of the United States, whereby it might happen that interest might be twice payable on the same sums:

State certificates issued in lieu of those of the U. States, payment of interest on, suspended.

SEC. 18. *Be it further enacted*, That the payment of interest whether to states or to individuals, in respect to the debt of any state, by which such exchange shall have been made, shall be suspended, until it shall appear to the satisfaction of the secretary of the treasury, that certificates issued for that purpose by such state, have been re-exchanged or redeemed, or until those which shall not have been re-exchanged or redeemed, shall be surrendered to the United States.

States chargeable with amount of subscriptions.

SEC. 19. *And be it further enacted*, That so much of the debt of each state as shall be subscribed to the said loan, and the monies (if any) that shall be advanced to the same pursuant to this act, shall be a charge against such state, in account with the United States.

Farther appropriation of monies arising from the revenue laws to the purposes of this act;

SEC. 20. *And be it further enacted*, That the monies arising under the revenue laws, which have been or during the present session of Congress may be passed, or so much thereof as may be necessary, shall be and are hereby pledged and appropriated for the payment of the interest on the stock which shall be created by the loans aforesaid, pursuant to the provisions of this act, first paying that which shall arise on the stock created by virtue of the said first mentioned loan, to continue so pledged and appropriated, until the final redemption of the said stock, any law to the contrary notwithstanding, subject nevertheless to such reservations and priorities as may be requisite to satisfy the appropriations heretofore made, and which during the present session of Congress may be made by law, including the sums herein before reserved and appropriated: and to the end that the said monies may be inviolably applied in conformity to this act, and may never be diverted to any other purpose, an account shall be kept of the receipts and disposition thereof, separate and distinct from the product of any other duties, imposts, excises and taxes whatsoever, except such as may be hereafter laid, to make good any deficiency which may be found in the product thereof towards satisfying the interest aforesaid.

and faith of U. States pledged to make good deficiencies.

SEC. 21. *And be it further enacted*, That the faith of the United States be, and the same is hereby pledged to provide and appropriate hereafter such additional and permanent funds as may be requisite towards supplying any such deficiency, and making full provision for the payment of the interest which shall accrue on the stock to be created by virtue of the loans aforesaid, in conformity to the terms thereof respectively, and according to the tenor of the certificates to be granted for the same pursuant to this act.

Proceeds from sales of western lands, to form a sinking fund.

SEC. 22. *And be it further enacted*, That the proceeds of the sales which shall be made of lands in the western territory, now belonging, or that may hereafter belong to the United States, shall be, and are hereby appropriated towards sinking or discharging the debts, for the payment whereof the United States now are, or by virtue of this act may be holden, and shall be applied solely to that use until the said debts shall be fully satisfied.

APPROVED, August 4, 1790.

CHAP. XXXV.—*An Act to provide more effectually for the collection of the duties imposed by law on goods, wares and merchandise imported into the United States, and on the tonnage of ships or vessels.*

STATUTE II.  
August 4, 1790.

[Obsolete.]

Repealed by  
Act of March 2,  
1799 ch. 22.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the collection of the duties imposed by law on goods, wares and merchandise imported into the United States, and on the tonnage of ships or vessels, there shall be established and appointed, districts, ports and officers, in manner following—to wit:

The state of New Hampshire shall be one district, to be called the district of Portsmouth, of which the town of Portsmouth shall be the sole port of entry; and the towns of Newcastle, Dover and Exeter, ports of delivery only: but all ships or vessels bound to or from either of the said ports of delivery, shall first come to, enter and clear at Portsmouth; and a collector, naval officer and surveyor for the said district shall be appointed, to reside at Portsmouth.

District and  
ports in New  
Hampshire.

In the state of Massachusetts shall be twenty districts and ports of entry—to wit: Newburyport, Gloucester, Salem and Beverly, as one; Marblehead, Boston and Charlestown, as one; Plymouth, Barnstable, Nantucket, Edgartown, New Bedford, Dighton, York, Biddeford and Pepperelborough, as one; Portland and Falmouth, as one; Bath, Wiscasset, Penobscot, Frenchman's Bay, Machias and Passamaquady. To the district of Newburyport shall be annexed the several towns or landing places of Almsbury, Salisbury and Haverhill, which shall be ports of delivery only; and a collector, naval officer and surveyor for the district shall be appointed, to reside at Newburyport. To the district of Gloucester shall be annexed the town of Manchester, as a port of delivery only; and a collector and surveyor shall be appointed, to reside at Gloucester. To the district of Salem and Beverly, shall be annexed the towns or landing places of Danvers and Ipswich, as ports of delivery only; and a collector, naval officer and surveyor for the district shall be appointed, to reside at Salem, and a surveyor to reside at each of the towns of Beverly and Ipswich. To the district of Marblehead shall be annexed the town of Lynn, as a port of delivery only; and a collector for the district shall be appointed, to reside at Marblehead. To the district of Boston and Charlestown shall be annexed the towns or landing places of Medford, Cohasset and Hingham, as ports of delivery only; and a collector, naval officer and surveyor shall be appointed, to reside at Boston. To the district of Plymouth shall be annexed the several towns or landing places of Scituate, Duxbury and Kingston, as ports of delivery only; and a collector for the district shall be appointed, to reside at Plymouth. To the district of Barnstable shall be annexed the several towns or landing places of Sandwich, Falmouth, Harwich, Welfleet, Provincetown and Chatham, as ports of delivery only; and a collector for the district shall be appointed, to reside at Barnstable. To the district of Nantucket the port of Sherburne shall be the sole port of entry and delivery within the same, and a collector shall be appointed, to reside at Sherburne. In the district of Edgartown a collector shall be appointed, to reside at Edgartown. To the district of New Bedford shall be annexed Westport, Rochester and Wareham, as ports of delivery only; and a collector for the district shall be appointed, to reside at New Bedford. To the district of Dighton shall be annexed Swansey and Freetown, as ports of delivery only; and a collector for the district shall be appointed, to reside at Dighton. To the district of York shall be annexed Kittery and Berwick, as ports of delivery only; and a collector for the district shall be appointed, to reside at York. To the district of Biddiford and Pepperelborough shall be annexed Scarborough, Wells, Kennebunk and Cape Porpoise, as ports of delivery only; and a

Districts and  
ports in Massa-  
chusetts.

Districts and  
ports in Massa-  
chusetts.

collector for the district shall be appointed, to reside at Biddeford. To the district of Portland and Falmouth shall be annexed North Yarmouth and Brunswick, as ports of delivery only; and a collector and surveyor shall be appointed for the district, to reside at Portland. To the district of Bath shall be annexed Hallowell, Pittstown and Topsham, as ports of delivery only; and a collector for the district shall be appointed, to reside at Bath. To the district of Wiscasset shall be annexed Bristol, Boothbay, Warren, Thomaston and Waldoborough, as ports of delivery only; and a collector for the district shall be appointed, to reside at Wiscasset. To the district of Penobscot shall be annexed Frankfort, Sedgwick Point and Deer Island, as ports of delivery only; and a collector for the district shall be appointed, to reside at Penobscot. To the district of Frenchman's Bay shall be annexed Union River, as a port of delivery only; and a collector for the district shall be appointed, to reside at Frenchman's Bay. For each of the districts of Machias and Passamaquady shall be appointed a collector, to reside at the said ports of Machias and Passamaquady, respectively. The district of Newburyport shall include all the waters and shores from the state of New Hampshire to the north line of Ipswich. The district of Gloucester shall include all the waters and shores in the towns of Gloucester and Manchester. The district of Salem and Beverly shall include all the shores and waters within the towns of Ipswich, Beverly, Salem and Danvers. The district of Marblehead shall include all the waters and shores within the towns of Marblehead and Lynn. The district of Boston and Charlestown shall include all the waters and shores within the counties of Middlesex and Suffolk. The district of Plymouth shall include all the waters and shores within the county of Plymouth, excepting the towns of Wareham and Rochester. The district of Barnstable shall include all the shores and waters within the county of Barnstable. The district of Nantucket shall include the island of Nantucket. The district of Edgartown shall include all the waters and shores within the county of Duke's County. The district of New Bedford shall include all the waters and shores within the towns of New Bedford, Dartmouth, Westport, Rochester and Wareham, together with all the islands within the county of Bristol. The district of Dighton shall include all the waters and shores on Taunton river, and in the town of Rehoboth; and the collectors of the several districts within that part of the state of Massachusetts eastward of New Hampshire, shall agree, as soon as may be, upon a divisional line between their respective districts, and transmit the same to the comptroller of the treasury; and such districts so agreed upon, shall include all the shores, waters and islands within the same. And in case of disagreement between any of the said collectors, concerning such divisional line, the Secretary of the Treasury shall determine the same.

Districts, and  
ports in Rhode  
Island, &c.

In the state of Rhode Island and Providence Plantations, there shall be two districts—to wit: the district of Newport, and the district of Providence. The district of Newport shall comprehend all the waters, shores, bays, harbors, creeks and inlets, from the west line of the said state all along the sea coast, and northward up the Narraganset Bay, as far as the most easterly part of Kinnimicut Point at high water mark; and shall include the several towns, harbors, and landing places at Westerly, Charleston, South Kingstown, North Kingstown, East Greenwich, and all that part of Warwick southward of the latitude of said Kinnimicut Point; and also the towns, harbors and landing-places of Barrington, Warren, Bristol, Tiverton, Little Compton, and all the towns, harbors and landing-places of the island of Rhode Island, James Town, Prudence, New Shoreham, and every other island and place within the said state southward of the latitude of the said Kinnimicut Point. The district of Providence shall comprehend all the waters, shores, bays,

harbors, creeks and inlets within the said state, northward of the latitude of Kinnimicut Point. The town of Newport shall be the sole port of entry in the said district of Newport; and a collector, naval officer, and surveyor shall be appointed, to reside at the said town of Newport; and North Kingstown, East Greenwich, Barrington, Warren, Bristol, and Pawcatuck river in Westerly, shall be ports of delivery only; and a surveyor shall be appointed, to reside at each of the ports of North Kingstown, East Greenwich, Warren, Bristol, and Pawcatuck river, and the surveyor to reside at Warren shall be surveyor for the port of Barrington. The town of Providence shall be the sole port of entry in the said district of Providence, and Patuxet in the same district shall be a port of delivery only; and a collector, naval officer and surveyor shall be appointed, to reside at Providence, and a surveyor shall be appointed, to reside at Patuxet.

In the state of Connecticut shall be three districts, to wit: New London, New Haven, and Fairfield. The district of New London shall extend from the east line of the said state of Connecticut, to the west line of the town of Killingsworth, and north to the south line of the state of Massachusetts; and shall also include the several towns or landing places of Norwich, Stonington, Groton, Lyme, Saybrook, Haddam, East Haddam, Middletown, Chatham, Weathersfield, Glastenbury, Hartford, East Hartford, Windsor, East Windsor, and Killingsworth, as ports of delivery only; New London to be the sole port of entry; and a collector and surveyor for the district shall be appointed, to reside at New London; and a surveyor to reside at each of the ports of Stonington and Middletown. The district of New Haven shall extend from the west line of the district of New London, westerly to Ousatumnick river; to which shall be annexed the several towns or landing places of Guildford, Branford, Milford and Derby, as ports of delivery only; New Haven to be the sole port of entry; and a collector and surveyor for the district shall be appointed, to reside at New Haven. The district of Fairfield shall include all the ports and places in the said state of Connecticut west of the district of New Haven; to which shall be annexed the several towns or landing places of Norwalk, Stratford, Stamford, and Greenwich, as ports of delivery only; Fairfield to be the sole port of entry; and a collector for the district shall be appointed, to reside at Fairfield. And New London, New Haven, and Fairfield, shall severally be ports of entry.

Districts and  
ports in Con-  
necticut.

In the state of New York shall be two districts—to wit: Sag Harbor on Nassau or Long Island, and the city of New York, each of which shall be a port of entry. The district of Sag Harbor shall include all bays, harbors, rivers and shores within the two points of land which are called Oyster Pond Point, and Montauk Point; and a collector for the district shall be appointed, to reside at Sag Harbor, which shall be the only place of delivery in the said district. The district of the city of New York shall include such part of the coasts, rivers, bays and harbors of the said state, not included in the district of Sag Harbor; and moreover the several towns or landing places of New Windsor, Newburgh, Poughkeepsie, Esopus, city of Hudson, Kinderhook, and Albany, as ports of delivery only; and a naval officer, collector and surveyor for the district shall be appointed, to reside at the city of New York; also two surveyors, one to reside at the city of Albany, and the other at the city of Hudson; and all ships or vessels bound to or from any port of delivery within the last named district, shall be obliged to come to, and enter or clear out at the city of New York.

Districts and  
ports in New  
York.

In the state of New Jersey shall be four districts—to wit: Perth Amboy, Burlington, Bridgetown, and Great Egg Harbor, which shall severally be ports of entry. The district of Perth Amboy shall comprehend all that part of the state of New Jersey, known by the name of

Districts and  
ports in New  
Jersey.

East New Jersey, (that part excepted which is hereafter included in the district of Burlington) together with all the waters thereof heretofore within the jurisdiction of the said state; in which district the towns or landing places of New Brunswick, Middletown Point, Elizabethtown, and Newark, shall be ports of delivery only; and a collector for the district shall be appointed, to reside at Perth Amboy. The district of Burlington shall comprehend that part of the said state known by the name of West New Jersey, which lies to the eastward and northward of the county of Gloucester, with all the waters thereof heretofore within the jurisdiction of the said state, including the river and inlet of Little Egg Harbor, with the waters emptying into the same, and the sea-coast, sound, inlets and harbors thereof, from Barnegat inlet to Brigantine inlets, in which district the landing places of Lambertton and Little Egg Harbor shall be ports of delivery only; and a collector shall be appointed for the district, to reside at Burlington, and a surveyor at Little Egg Harbor. The district of Bridgetown shall comprehend the counties of Gloucester, Salem, Cumberland, and Cape May, (such part of the counties of Gloucester and Cape May as shall be herein after included in the district of Great Egg Harbor, excepted,) and all the waters thereof heretofore within the jurisdiction of the said state; and the town of Salem and Port Elizabeth, on Maurice river, shall be ports of delivery only; and a collector shall be appointed, to reside at Bridgetown. The district of Great Egg Harbor shall comprehend the river of Great Egg Harbor, together with all the inlets, bays, sound, rivers and creeks, along the sea coast, from Brigantine inlet to Cape May; and a collector shall be appointed, to reside at Somers's Point, on the said river of Great Egg Harbor.

Districts and  
port in Penn-  
sylvania.

The state of Pennsylvania shall be one district, and Philadelphia shall be the sole port of entry and delivery for the same; and a collector, naval officer and surveyor for the district shall be appointed, to reside at the said port of Philadelphia.

Districts and  
ports in Dela-  
ware.

The state of Delaware shall be one district, and the borough of Wilmington shall be the port of entry, to which shall be annexed Newcastle and Port Penn as ports of delivery only; and a collector for the district shall be appointed, to reside at the said port of Wilmington.

Districts and  
ports in Mary-  
land.

In the state of Maryland shall be nine districts—to wit: Baltimore, Chester, Oxford, Vienna, Snowhill, Annapolis, Nottingham, Cedar Point, and Georgetown. The district of Baltimore shall include Patapsco, Susquehanna, and Elk rivers, and all the waters and shores on the west side of Chesapeake Bay, from the mouth of Magetty river to the south side of Elk river, inclusive, in which Havre de Grace and Elkton shall be ports of delivery only; and a collector, naval officer and surveyor shall be appointed for the said district, to reside at the town of Baltimore, which shall be the sole port of entry. The district of Chester shall include Chester river, and all the waters and shores on the eastern side of Chesapeake Bay, from the south side of Elk river to the north side of the Eastern Bay, and Wye river, inclusive; in which Georgetown on Sassafra river shall be a port of delivery only; and a collector for the district shall be appointed, to reside at Chester, which shall be the sole port of entry. The district of Oxford shall include all the waters and shores on the eastern side of Chesapeake Bay, from the north side of Wye river and the Eastern Bay, to the south side of Great Choptank river, inclusive; and Cambridge shall be a port of delivery only; and a collector for the district shall be appointed, to reside at Oxford, which shall be the sole port of entry. The district of Vienna shall include all the waters and shores on the eastern side of Chesapeake Bay, from the south side of Great Choptank river, to the south side of Hooper's Strait, Haynes's Point and Wicomico river, inclusive; and Salisbury shall be the port of delivery only; and a collector for the district shall

be appointed, to reside at Vienna, which shall be the sole port of entry. The district of Snowhill shall include all the waters and shores on the sea-coast, from the north line of Virginia to the south line of Delaware, together with all the waters and shores on the eastern side of Chesapeake Bay, from the south side of Wicomico river to the south side of Pocomoke river, inclusive, so far as the jurisdiction of the said state of Maryland extends; to which Sinnipuxent shall be a port of delivery for West India produce only; and a collector for the district shall be appointed, to reside at Snowhill, which shall be the sole port of entry. The district of Annapolis shall include Magetty river, and all the waters and shores from thence to Drum Point, on Patuxent river; and a collector for the district shall be appointed, to reside at Annapolis, which shall be the sole port of entry and delivery for the same. The district of Nottingham shall include all the waters and shores on the west side of Chesapeake Bay, to Drum Point, on the river Patuxent, together with the said river, and all the navigable waters emptying into the same, to which Benedict, Lower Marlborough, Town Creek, and Sylvey's Landing, shall be annexed as ports of delivery only; a collector for the district shall be appointed, to reside at Nottingham, and a surveyor at Town Creek; and Nottingham shall be the sole port of entry. The district of Cedar Point shall include all the waters of Potomac within the jurisdiction of the state of Maryland, from Point-look-out to Pomonky Creek, inclusive; to which Nanjemoy, Saint Mary's and Lewellensburg, shall be annexed as a port of delivery only; and a collector for the district shall be appointed, to reside at Cedar Point; also a surveyor to reside at each of the ports of Saint Mary's and Lewellensburg; and Cedar Point shall be the sole port of entry. The district of Georgetown shall include all the waters and shores from Pomonky Creek, on the north side of Potomac river, to the head of the navigable waters of the said river within the jurisdiction of the state of Maryland; to which Digges's landing and Carrolsburg shall be annexed as ports of delivery only; and a collector for the district shall be appointed, to reside at Georgetown, which shall be the sole port of entry.

In the state of Virginia shall be twelve districts—to wit: Hampton as one port; Norfolk and Portsmouth as one port; Bermuda Hundred and City Point as one port; Yorktown, Tappahannock, Yeocomico river, including Kinsale, Dumfries, including Newport, Alexandria, Foley Landing, Cherrystone, South Quay, and Louisville. The authority of the officers at Hampton shall extend over all the waters, shores, bays, harbors and inlets, between the south side of the mouth of York river, along the west shore of Chesapeake Bay to Hampton, and thence up James river to the west side of Chickahominy river; and a collector shall be appointed, to reside at Hampton, which shall be the sole port of entry. To the district of Norfolk and Portsmouth shall be annexed Suffolk and Smithfield as ports of delivery only; and the authority of the officers of the said district shall extend over all the waters, shores, bays, harbors and inlets comprehended within a line drawn from Cape Henry to the mouth of James river, and thence up James river to Jordan's point, and up Elizabeth river to the highest tide water thereof; and Norfolk and Portsmouth shall be the sole port of entry; and a collector, naval officer and surveyor for the district shall be appointed, to reside at Norfolk; also a surveyor to reside at each of the ports of Suffolk and Smithfield. To the district of Bermuda Hundred or City Point, shall be annexed Richmond, Petersburg, and Manchester, as ports of delivery only; and a collector and surveyor shall be appointed, to reside at Bermuda Hundred or City Point, which shall be the sole port of entry; also a surveyor for Petersburg to reside thereat, and a surveyor for Richmond and Manchester to reside at Richmond; and the authority of the officers of the said district shall extend over all the waters, shores, bays,

Districts and  
ports in Vir-  
ginia.



Districts and  
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nia.

harbors and inlets, comprehended between Jordan's Point and the highest tide water on James and Appamattox rivers. To the district of Yorktown shall be annexed West Point and Cumberland as ports of delivery only; and a collector for the district shall be appointed, to reside at Yorktown, which shall be the sole port of entry; also a surveyor for the two ports of delivery, to reside at West Point; and the authority of the officers of the said district shall extend over all the waters, shores, bays, harbors and inlets, comprehended between the point forming the south shore of the mouth of Rappahannock river, and the point forming the south shore of the mouth of York river, and thence up the said river to West Point, and thence up Pamunkey and Mattaponi rivers to the highest navigable waters thereof. To the district of Tappahannock shall be annexed Urbanna, Port Royal and Fredericksburg (including Falmouth) as ports of delivery only; and a collector for the district shall be appointed, to reside at Tappahannock, which shall be the sole port of entry; also a surveyor for each of the ports of Urbanna, Port Royal, and Fredericksburg; and the authority of the officers of the said district shall extend over all the waters, shores, bays, harbors and inlets, comprehended between Smith's Point, at the mouth of Potomac river, and the point forming the south shore of the mouth of Rappahannock river, and thence up the last mentioned river to the highest tide water thereof. The district of Yeocomico river including Kinsale, shall extend from Smith's Point on the south side of Potomac river, to Boyd's Hole on the same river, including all the waters, shores, bays, rivers, creeks, harbors and inlets along the south shore of Potomac river to Boyd's Hole aforesaid; and Yeocomico including Kinsale, shall be the sole port of entry; and a collector shall be appointed to reside on Yeocomico river. The district of Dumfries including Newport, shall extend from Boyd's Hole to Cockpit Point on the south side of Potomac river; and a collector shall be appointed, to reside at Dumfries, which shall be the sole port of entry; and the authority of the officers of this district shall extend over all the waters, shores, bays, harbors and inlets comprehended between Boyd's Hole and Cockpit Point aforesaid. For the district of Alexandria shall be appointed a collector and surveyor, to reside at Alexandria, which shall be the sole port of entry; and the authority of the officers of the said district shall extend over all the waters, shores, bays, harbors and inlets on the south side of the river Potomac, from the last mentioned Cockpit Point to the highest tide water of the said river. For the district of Foley Landing shall be appointed a collector, who shall reside at Accomack Court House, and whose authority shall extend over all the waters, shores, bays, harbors and inlets of the county of Accomack. For the district of Cherrystone shall be appointed a collector, to reside at Cherrystone, whose authority shall extend over all the waters, shores, bays, harbors and inlets comprehended within Northampton county. For the district of South Quay a collector shall be appointed, to reside thereat, whose authority shall extend over all the waters, shores, bays, harbors and inlets in that part of Virginia, comprehended within the limits of the said state. For the district of Louisville a collector shall be appointed, to reside thereat, whose authority shall extend over all the waters, shores and inlets included between the rapids and the mouth of the Ohio river on the south side thereof.

Districts and  
ports in North  
Carolina.

In the state of North Carolina shall be five districts: one to be called the district of Wilmington, and to comprehend all the waters, shores, bays, harbors, creeks and inlets, from Little River inlet, inclusive, to New River inlet, inclusive; another to be called the district of Newbern, and to comprehend all the waters, shores, bays, harbors, creeks and inlets, from New River inlet, exclusive, to Ocracoke inlet, inclusive together with that part of Pampticoe sound which lies southward and westward of the shoal projecting from the mouth of Pampticoe river

towards the Royal Shoal, and southward of the said Royal Shoal. Another to be called the district of Washington, and to comprehend all that part of Pampticoe sound not included in the district of Newbern, as far north as the Marshes. Another to be called the district of Edenton, and to comprehend all the waters, bays, harbors, creeks and inlets, from the Marshes, inclusive, northward and westward, except those included in the district of Cambden. The other to be called the district of Cambden, and to comprehend North River, Pasquotank and Little Rivers, and all the waters, shores, bays, harbors, creeks and inlets, from the junction of Currituck and Albemarle sounds to the north extremity of Back Bay. That in the district of Wilmington, the town of Wilmington shall be a port of entry and delivery, and there shall be a collector, naval officer and surveyor, to reside at the said town of Wilmington. That in the district of Newbern, the town of Newbern shall be a port of entry and delivery, and the towns of Beaufort and Swansborough shall be ports of delivery only, and there shall be a collector to reside at Newbern, and a surveyor to reside at Beaufort, and one at Swansborough. That in the district of Washington, the town of Washington shall be the sole port of entry and delivery, and there shall be a collector to reside within the same. That in the district of Edenton, the town of Edenton shall be a port of entry and delivery, and Hertford, Murfreesborough, Princeton, Winton, Bennet's Creek, Plymouth, Windsor and Skewarkey, ports of delivery; and there shall be a collector to reside at the town of Edenton, and a surveyor at each of the ports of Hertford, Winton, Bennet's Creek, Plymouth, Windsor and Skewarkey; and one at Murfreesborough, for said port and for Princeton. That all ships or vessels intending to proceed to Plymouth, Windsor, Skewarkey, Winton, Bennet's Creek bridge, Murfreesborough, or Princeton, shall first come to and enter at the port of Edenton. That in the district of Cambden, Plankbridge on Sawyer's Creek, shall be the port of entry and delivery, and Nixonton, Indiantown, Newbiggin Creek, Currituck inlet, Pasquotank River bridge, ports of delivery; and there shall be a collector at Plankbridge on Sawyer's Creek, and a surveyor at each of the ports of Nixonton, Indiantown, Currituck inlet, Pasquotank River bridge, and Newbiggin Creek; and that the authority of the officers of each district shall extend over all the waters, shores, bays, harbors, creeks and inlets comprehended within such district. *Provided*, That any vessels coming in at Ocracoke inlet, that may be under the necessity of employing lighters before they pass the Royal Shoal, may be at liberty to enter at any port of entry connected with the waters of said inlet, to which such vessels are bound. And that any vessel coming in at the said inlet in ballast, with the purpose of loading without the Royal Shoal, shall be at liberty to enter at any port of entry connected with the waters of the said inlet.

Districts and  
ports in North  
Carolina.

In the state of South Carolina shall be three districts, to wit: Georgetown, Charleston, and Beaufort, each of which shall be a port of entry. The district of Georgetown shall include the shores, inlets and rivers, from the boundary of North Carolina to the point of Cape Romain. The district of Charleston shall include all the shores, inlets and rivers, from Cape Romain to Combahee river inclusive: and the district of Beaufort shall include the shores, inlets and rivers, from Combahee river to Back river in Georgia, comprehending also the shores, inlets and harbors formed by the different bars and sea islands lying within each district respectively. At the port of Charleston shall be a collector, naval officer and surveyor; and a collector at each of the other ports.

Districts and  
ports in South  
Carolina.

In the state of Georgia shall be four districts, to wit: Savannah, Sunbury, Brunswick, and Saint Mary's, each of which shall be a port of entry. The district of Savannah shall include Savannah river, and all the waters, shores, harbors, rivers, creeks, bays, and inlets, from the said

Districts and  
ports in Georgia.

river to the north point of Ossabaw island, and Great Ogeeche rivers, inclusive; and a naval officer, collector and surveyor shall be appointed for the said district, to reside at Savannah. The district of Sunbury shall comprehend all the waters, shores, harbors, rivers, creeks, bays and inlets, south of the north point of Ossabaw island and Great Ogeeche river, exclusive; and north of the south point of Sapelo island, inclusive, and a collector for the said district shall be appointed, to reside at Sunbury. The district of Brunswick shall comprehend all the waters, shores, harbors, rivers, creeks, bays and inlets, from the south point of Sapelo island, exclusive, to the south point of Jekyl island, inclusive: Frederica shall be a port of delivery only; and a collector for the district shall be appointed, to reside at Brunswick. The district of Saint Mary's shall comprehend all the waters, shores, harbors, rivers, creeks, bays, and inlets, from the south point of Jekyl island, exclusive, to Saint Mary's river, inclusive; and a collector for the said district shall be appointed, to reside at Saint Mary's: and in each of the said districts it shall be lawful for the collector to grant a permit to unlade at any port or place within the district, and to appoint or put on board any ship or vessel for which a permit is granted, one or more searchers or inspectors as may be necessary for the security of the revenue.

SEC. 2. *And be it further enacted*, That it shall not be lawful to make entry of any ship or vessel which shall arrive from any foreign port or place within the United States, or of the cargo on board such ship or vessel, elsewhere than at one of the ports of entry herein before established, nor to unlade the said cargo, or any part thereof, elsewhere than at one of the ports of delivery herein established: *Provided always*, That every port of entry shall be also a port of delivery: *And provided further*, That none but ships or vessels of the United States shall be admitted to unlade at any other than the ports following—to wit: Portsmouth, in the state of New Hampshire: Portland and Falmouth, New Bedford, Dighton, Salem and Beverly, Gloucester, Newburyport, Marblehead, Sherburne, Boston and Charlestown, Plymouth, Bath, Frenchman's Bay, Wiscasset, Machias, and Penobscot, in the state of Massachusetts: Newport and Providence, in the state of Rhode Island and Providence Plantations: New London and New Haven, in the state of Connecticut: New York, in the state of New York: Perth Amboy, and Burlington, in the state of New Jersey: Philadelphia, in the state of Pennsylvania: Wilmington, New Castle and Port Penn, in the state of Delaware: Baltimore, Annapolis, Vienna, Oxford, Georgetown on Potomac, Chestertown, Town Creek, Nottingham, Cedar Point, Digges's Landing, Snowhill, and Carrolsburch, in the state of Maryland: Alexandria, Kinsale, Newport, Tappahannock, Port Royal, Fredericksburg, Urbanna, Yorktown, West Point, Hampton, Bermuda Hundred, City Point, Rocket's Landing, Norfolk, and Portsmouth, in the state of Virginia: Wilmington, Newbern, Washington, Edenton, and Plankbridge, in the state of North Carolina: Charleston, Georgetown, and Beaufort, in the state of South Carolina: and in either of the districts of Savannah, Sunbury, Brunswick, Frederica, and Saint Mary's, in the state of Georgia: or to make entry in any other district than in one in which they shall be so admitted to unlade: *And provided lastly*, That no ship or vessel arriving from the Cape of Good Hope, or from any place beyond the same, shall be admitted to make entry at any other than the ports following—to wit: Portsmouth, in the state of New Hampshire: Boston and Charlestown, Newburyport, Salem and Beverly, Gloucester, Portland and Falmouth, in the state of Massachusetts: Newport, and Providence, in the state of Rhode Island and Providence Plantations: New London, and New Haven, in the state of Connecticut: New York, in the state of New York: Perth Amboy, in the state of New Jersey: Philadelphia, in the state of Pennsylvania: Wilmington, in the state of

Ports of entry to be ports of delivery. Ports of delivery to which foreign vessels are restricted.

Ports of entry to which vessels arriving from the Cape of G. Hope or beyond it are restricted.

Delaware: Baltimore, Annapolis, and Georgetown, in the state of Maryland: Alexandria, Norfolk and Portsmouth, in the state of Virginia: Wilmington, Newbern, Washington, and Edenton, in the state of North Carolina: Charleston, Georgetown, and Beaufort, in the state of South Carolina: and Sunbury, and Savannah, in the state of Georgia: *Provided*, That nothing herein contained shall prevent the master or commander of any ship or vessel, from making entry with the collector in any district in which such ship or vessel may be owned, or from which she may have sailed on the voyage from which she shall then have returned.

SEC. 3. *And be it further enacted*, That the master or commander of every ship or vessel bound to a port of delivery only, in any of the following districts—to wit: Portland and Falmouth, Bath, Newburyport, New London, (except the port of Stonington, in the said district) Norfolk and Portsmouth, Bermuda Hundred and City Point, Yorktown, or Tappahannock, (except the port of Urbanna, in the said district) and Edenton, shall first come to at the port of entry of such district, with his ship or vessel, and there make report or entry, and pay, or secure to be paid, all legal duties, port fees and charges in manner by this act provided, before such ship or vessel shall proceed to her port of delivery; and that any ship or vessel bound to a port of delivery in any district other than those above mentioned, or to either of the ports of Stonington or Urbanna, may first proceed to her port of delivery, and afterwards make report or entry within the time by this act limited.

Ports of delivery to which vessels bound shall first come to at the port of entry.

SEC. 4. *And be it further enacted*, That the master or commander of every ship or vessel, if bound to the district of Nottingham, shall, before he pass by the port of Town Creek, and immediately after his arrival, deposit with the surveyor of the said port, a true manifest of the cargo on board such ship or vessel: if bound to the district of Tappahannock, shall, before he pass by the port of Urbanna, and immediately after his arrival, deposit with the surveyor for that port a like manifest: if bound to the district of Bermuda Hundred or City Point, shall, before he pass by Elizabeth River, and immediately after his arrival, deposit with the collector of the port of Norfolk and Portsmouth, or with the collector of the port of Hampton, a like manifest: and if bound to the district of South Quay, shall, before he pass by the port of Edenton, and immediately after his arrival, deposit with the collector of the port of Edenton, a like manifest. And the said surveyors and collectors respectively, shall, after registering the manifest, transmit the same, duly certified to have been so deposited, to the officer with whom the entries are to be made. And if the master or commander of any ship or vessel shall neglect or omit to deposit a manifest in manner aforesaid, and as the case shall require, he shall forfeit and pay five hundred dollars, to be recovered with costs of suit, one half to the use of the officer with whom such manifest ought to have been deposited, and the other half to the use of the collector of the district to which the said ship or vessel may be bound: *Provided*, That if manifests shall have been in either of the said cases previously delivered to any officer of the customs, pursuant to the provision herein after to be made in that behalf, the depositing of a manifest as aforesaid shall not be necessary: *And provided also*, That no master of any ship or vessel which was absent from the United States on the first day of May last, and which hath not since returned within the same, or of any ship or vessel not owned wholly or in part by a citizen or inhabitant of the United States, shall incur the said penalty, if he shall make oath or affirmation that he had no knowledge of or information concerning the regulation herein contained, unless it can be otherwise proved that he had such knowledge or information.

Districts to which vessels bound shall not pass certain ports without delivering a manifest.

Penalty for neglecting to deposit manifest.

SEC. 5. *And be it further enacted*, That all officers and persons to be appointed pursuant to this act, before they enter upon the duties of their

Officers to be appointed in pursuance of this act to take an oath ;

penalty in default thereof.

Duties of the collector,

naval officer,

surveyor.

Further duties of surveyor and collector.

respective offices, shall severally take an oath diligently and faithfully to execute the duties of their said offices respectively, and to use their best endeavours to prevent and detect frauds in relation to the duties imposed by the laws of the United States; which oath, if taken by a collector, may be taken before any magistrate authorized to administer oaths within the district to which he belongs; but if taken by another, shall be taken before the collector of his district, and being certified under the hand and seal of the person by whom the same shall have been administered, shall, within three months thereafter be transmitted to the comptroller of the treasury; in default of taking which oath, the party failing shall forfeit and pay two hundred dollars, to be recovered with costs of suit, in any court of competent jurisdiction, to the use of the United States.

SEC. 6. *And be it further enacted*, That the several officers of the customs shall respectively perform the duties following—to wit: At such of the ports to which there shall be appointed a collector, naval officer and surveyor, the collector shall receive all reports, manifests and documents, to be made or exhibited on the entry of any ship or vessel, according to the regulations of this act; shall record in books to be kept for that purpose, all such manifests; shall receive the entries of all ships and vessels, and of the goods, wares and merchandise imported in them; shall, together with the naval officer, where there is one, or alone where there is none, estimate the amount of the duties payable thereupon, endorsing the said amount upon the respective entries; shall receive all monies paid for duties, and take all bonds for securing the payment thereof; shall grant all permits for the unloading and delivery of goods; shall employ proper persons as weighers, gaugers, measurers and inspectors at the several ports within his district; and shall provide at the public expense, and with the approbation of the principal officer of the treasury department, store-houses for the safe keeping of goods, and such scales, weights and measures as may be necessary. The naval officers shall receive copies of all manifests; shall, together with the collector, estimate the duties on all goods, wares and merchandise subject to duty, keeping a separate record thereof; and shall countersign all permits, clearances, certificates and debentures to be granted by the collector. The surveyor shall superintend and direct all inspectors, weighers, measurers and gaugers, within his district; shall visit and inspect the ships or vessels which arrive within his district, and shall have power to put on board each of them one or more inspectors; shall ascertain the proofs of distilled spirits, rating those which shall be of the proof of twenty-four degrees as of Jamaica proof; and shall examine whether the goods imported in any ship or vessel, and the deliveries thereof, are conformable to the entries of such goods and the permits for landing the same; and the said surveyor shall in all cases be subject to the control of the collector. And at such ports to which a collector and surveyor only are assigned, the said collector shall solely execute all the duties in which the co-operation of the naval officer is requisite at the ports where a naval officer shall be appointed, which he shall also do in case of the disability or death of the naval officer. And at the ports to which a collector only is assigned, such collector shall solely execute all the duties in which the co-operation of the naval officer is requisite as aforesaid: and shall also, as far as may be, perform all the duties prescribed to surveyors at the ports where such officers are established. And at ports to which surveyors only are assigned, every such surveyor shall perform all the duties herein before enjoined upon surveyors; and shall also receive and record the copies of all manifests which shall be transmitted to him by the collector; shall record all permits granted by such collector, distinguishing the gauge, weight, measure and quality of the goods specified therein: and shall take care that no goods be unladen or delivered from any ship or vessel without a pro-

per permit for that purpose. And at such ports of delivery only to which no surveyor is assigned, it shall be lawful for the collector of the district occasionally and from time to time to employ a proper person or persons to do the duties of a surveyor, who shall be entitled to the like compensation with inspectors, during the time they shall be employed. And the said collectors, naval officers and surveyors shall respectively attend in person at the ports to which they are respectively assigned; and shall keep fair and true accounts and records of all their transactions as officers of the customs, in such manner and form as may be directed by the proper department, or officer having the superintendence of the collection of the revenue of the United States; and shall at all times submit their books, papers and accounts to the inspection of such persons as may be appointed for that purpose. And the said collectors shall at all times pay to the order of the officer who shall be authorized to direct the payment thereof, the whole of the monies which they may respectively receive by virtue of this act (such monies as they are otherwise by this act directed to pay only excepted); and shall also once in every three months, or oftener if they shall be required, transmit their accounts for settlement to the officer or officers whose duty it shall be to make such settlement.

SEC. 7. *And be it further enacted*, That every collector, naval officer and surveyor, in cases of occasional and necessary absence, or of sickness, and not otherwise, may respectively exercise and perform their several powers, functions and duties, by deputy duly constituted under their hands and seals respectively, for whom in the execution of the trust they shall respectively be answerable.

SEC. 8. *And be it further enacted*, That in case of the disability or death of a collector, the duties and authorities vested in him shall devolve on his deputy, if any there be at the time of such disability or death (for whose conduct the estate of such disabled or deceased collector shall be liable): and in defect of a deputy, the said authorities and duties shall devolve upon the naval officer of the same district, if any there be; and if there be no naval officer, upon the surveyor of the port appointed for the residence of such disabled or deceased collector, if any there be; and if none, upon the surveyor of the port nearest thereto, and within the same district. And in every case of the death or disability of a surveyor, it shall be lawful for the collector of the district to nominate some fit person to perform his duties and exercise his authorities. And the authorities of the persons hereby empowered to act in the stead of those who may be disabled or dead, shall continue until successors shall be duly appointed, and ready to enter upon the execution of their respective offices.

SEC. 9. *And be it further enacted*, That from and after the first day of October next, no goods, wares or merchandise shall be brought into the United States from any foreign port or place, in any ship or vessel belonging in the whole or in part to a citizen or citizens, inhabitant or inhabitants of the United States, unless the master or person having the charge or command of such ship or vessel shall have on board a manifest or manifests in writing, signed by such master or other person, containing the name or names of the port or ports, place or places where the goods in such manifest or manifests mentioned, shall have been respectively taken on board, and the port or ports, place or places within the United States for which the same are respectively consigned or destined, and the name and built of such ship or vessel, and the true admeasurement or tonnage thereof according to the register of the same, together with the name of the master or other person having the command or charge of such ship or vessel, and the port or place to which such ship or vessel truly belongs, and a just and particular account of all the cargo so laden or taken on board, whether in packages or stowed

Collector may occasionally employ a surveyor.

Collectors, naval officers and surveyors to keep books.

Collectors to pay all monies received, and settle their accounts every three months.

Collectors, naval officers and surveyors may appoint deputies.

Duties of a deputy collector.

Collector may nominate a surveyor.

Masters of vessels from foreign ports, to have manifests of their cargo.

loose, together with the marks and numbers, in words at length, of the said packages respectively, with a description of each, as whether leaguer, pipe, butt, puncheon, hogshead, barrel, case, bale, pack, truss, chest, box, bundle, or other cask or package, describing the same by its usual name or denomination.

Forfeiture of the value of goods not included in said manifest.

Restitution of them if the manifests are lost.

Masters of vessels to deliver manifests to the officer who shall first go on board,

the delivery of which shall be certified thereon by such officer;

SEC. 10. *And be it further enacted*, That if any goods, wares or merchandise shall, after the said first day of October next, be imported or brought into the United States, in any ship or vessel whatever, belonging in the whole or in part to a citizen or citizens, inhabitant or inhabitants of the United States, from any foreign port or place, without such manifest or manifests in writing, or shall not be included and described therein, or shall not agree therewith, in every such case the master or other person having the command or charge of such ship or vessel, shall forfeit a sum of money equal to the value of such goods, not included in such manifest or manifests: *Provided always*, That if it shall be made appear to the satisfaction of the collector, naval officer and surveyor, or the major part of them, where those offices are established at any port, or to the satisfaction of the collector alone, where either of the other of the said offices is not established, or to the satisfaction of the court in which a trial shall be had concerning such forfeiture, that no part of the cargo of such ship or vessel had been unshipped, after it was taken on board, except such as shall have been specified and accounted for in the report of the master or other person having the charge or command of such ship or vessel, and that the manifest or manifests had been lost or mislaid, without fraud or collusion, or that the same was or were defaced by accident, or incorrect by mistake, in every such case the forfeiture aforesaid shall not be incurred.

SEC. 11. *And be it further enacted*, That every master or other person having the charge or command of any ship or vessel belonging in the whole or in part to a citizen or citizens, inhabitant or inhabitants of the United States, laden with goods as aforesaid, and bound to any port or place in the United States, shall on his arrival within four leagues of the coast thereof, or within any of the bays, harbors, ports, rivers, creeks or inlets thereof, upon demand, produce such manifest or manifests in writing, which such master or other person is herein before required to have on board his said ship or vessel, to such officer or officers of the customs, as shall first come on board his said ship or vessel, for his or their inspection, and shall deliver to such officer or officers a true copy or copies thereof (which copy or copies shall be provided and subscribed by the said master or other person having the command or charge of such ship or vessel); and that the officer or officers to whom the original manifest or manifests shall have been so produced, shall respectively certify upon the back thereof, that the same was or were produced, and the day and year on which the same was or were so produced, and that such copy or copies as aforesaid, was or were to him or them delivered, and shall likewise certify upon the back of such copy or copies, the day and year on which the same was or were delivered, and shall forthwith transmit such copy or copies to the respective collectors of the several districts, to which the goods by such manifest or manifests shall appear respectively to be consigned; and that the said master or other person so having the charge or command of any such ship or vessel, shall in like manner produce to the officer or officers of the customs who shall first come on board such ship or vessel upon her arrival within the limits of any district of the United States, in which the cargo or any part thereof is intended to be discharged or landed, for his or their inspection, such manifest or manifests as aforesaid, and shall also deliver to him or them a true copy or copies thereof, (such copy or copies also to be provided and subscribed by the said master or other person having the charge or command of such ship or vessel) the production of which

said manifest or manifests, and the delivery of which said copy or copies thereof shall also be certified by the said officer or officers of the customs who shall so first come on board the said ship or vessel on her arrival within the limits of any such district, upon the back of the said original manifest or manifests, with the particular day and year when such manifest or manifests was or were produced to such officer or officers, and when he or they so received the said copy or copies thereof; and such officer or officers is and are hereby required forthwith to transmit or cause to be transmitted, the said copy or copies of the said manifest or manifests to the collector of that district, and the said master or person having the charge or command of the said ship or vessel, shall afterwards produce and deliver the said original manifest or manifests to the said collector. *Provided always*, That nothing herein contained shall be construed to require of such master or other person having the charge or command of such ship or vessel, the delivery of more than one copy of each manifest to the officer or officers aforesaid, who shall first come on board of such ship or vessel, within four leagues of the coast of the United States aforesaid, and one other copy to such officer or officers as shall first come on board, within the limits of any district for which the cargo of such ship or vessel or some part thereof shall be consigned or destined; or shall be construed to require the delivery of any such copy to any other officer; but it shall be sufficient in respect to any such other officer, to produce and show to him the said original manifest or manifests, and the certificate or certificates thereupon.

and another manifest to the officer of the district to which he is bound.

SEC. 12. *And be it further enacted*, That if the master or other person having the charge or command of any ship or vessel laden as aforesaid, and bound to any port or place in the United States, shall not, upon his arrival within four leagues of the coast thereof, or within the limits of any district thereof, where the cargo of such ship or vessel or any part thereof is intended to be discharged, produce such manifest or manifests in writing, to the proper officer or officers upon demand thereof, and also deliver such copy or copies thereof as aforesaid according to the directions of this act in each case, or shall not give an account of the destination of such ship or vessel, which he is hereby required to do, upon request of such officer or officers, or shall give a false account of the said destination, in order to evade the production of the said manifest or manifests, the said master or other person having the charge or command of such ship or vessel, shall forfeit for every such refusal, neglect or offence, a sum not exceeding five hundred dollars. And if such officer or officers first coming on board, in each case within the distance or limits aforesaid, shall neglect or refuse to certify on the back of such manifest or manifests, the production thereof, and the delivery of such copy or copies respectively, as are herein before directed to be delivered to such officer or officers; every such officer, so neglecting or refusing, shall forfeit and pay the sum of five hundred dollars.

Penalty on neglect thereof.

Penalty on the officer for refusing or neglecting to certify manifests.

SEC. 13. *And be it further enacted*, That if after the arrival of any ship or vessel so laden with goods as aforesaid, and bound to the United States, within the limits of any of the districts of the United States, or within four leagues of the coast thereof, any part of the cargo of such ship or vessel shall be unladen for any purpose whatever, from out of such ship or vessel as aforesaid, within the limits or distance aforesaid, before such ship or vessel shall come to the proper place for the discharge of her cargo or some part thereof, and shall be there duly authorized by the proper officer or officers of the customs to unlade the same, the master or other person having the charge or command of such ship or vessel, and the mate or other person next in command, shall respectively forfeit and pay the sum of one thousand dollars; and the goods, wares and merchandise so unladen and unshipped, shall be forfeited and lost, except in the case of some unavoidable accident, necessity or dis-

Penalty for unlading goods without authority:

forfeiture thereof;



except in cases of accident or distress.

Masters of vessels receiving goods, except in such cases, to forfeit treble their value and vessels.

Masters of vessels to incur a penalty for sailing from any district after arriving, if they do not enter, except in cases of distress :

To make an entry within 24 hours ;

and a report of his cargo within 48 hours ;

stress of weather ; of which unavoidable accident, necessity or distress, the master or other person having the charge or command of such ship or vessel, shall give notice to, and together with two or more of the mariners on board such ship or vessel, shall make proof upon oath before the collector or other chief officer of the customs of the district, within the limits of which such accident, necessity or distress shall happen, or before the collector or other chief officer of the first district of the United States within the limits of which such ship or vessel shall afterwards arrive, if the said accident, necessity or distress shall have happened not within the limits of any district, but within four leagues of the coast of the United States, (which oath the said collector or other chief officer is hereby authorized and required to administer.)

SEC. 14. *And be it further enacted*, That if any goods, wares or merchandise so unladen from on board of any such ship or vessel, shall be put or received into any other ship, vessel or boat, except in the case of such accident, necessity or distress as aforesaid, to be notified and proved as aforesaid, the said master or other person having the charge or command of the ship, vessel or boat into which the said goods shall be so put and received, and every other person aiding and assisting therein, shall forfeit treble the value of the said goods ; and the said ship, boat or vessel shall also be forfeited and lost.

SEC. 15. *And be it further enacted*, That if any ship or vessel which shall have arrived within the limits of any district of the United States from any foreign port or place, shall depart or attempt to depart from the same, unless to proceed on her way to some more interior district to which she may be bound, before report or entry shall have been made by the master or other person having the charge or command of such ship or vessel, with the collector of some district of the United States, the said master or other person having such charge or command shall forfeit and pay the sum of four hundred dollars. And it shall be lawful for any collector, naval officer, surveyor, or commander of any of the cutters herein after mentioned, to arrest and bring back, or cause to be arrested and brought back, such ship or vessel, to such port of the United States to which it may be most conveniently done. *Provided*, That if it shall be made to appear by the oath of the said master or other person having the charge or command of such ship or vessel, and of the person next in command, or other sufficient proof to the satisfaction of the collector of the district within which such ship or vessel shall afterwards come, or to the satisfaction of the court in which the prosecution for such penalty may be had, that the said departure, or attempt to depart, was occasioned by distress of weather, pursuit or duress of enemies, or other necessity, the said penalty shall not be incurred.

SEC. 16. *And be it further enacted*, That within twenty-four hours after the arrival of any ship or vessel from any port or place, at any port of the United States established by law, at which an officer of the customs resides, or within any harbor, inlet or creek thereof, if the hours of business at the office of the chief officer of the customs at such port will permit, or as soon thereafter as the said hours will permit, the master or other person having the charge or command of such ship or vessel, shall repair to the said office, and shall make report to the said chief officer of the arrival of the said ship or vessel ; and within forty-eight hours after such arrival, shall make a further report to the collector of the district in which such port may be, of the name, burthen and lading of such ship or vessel, whether in packages or stowed loose, and of the particular marks, numbers and contents of each package, and the place or places, person or persons to or for which or whom they are respectively consigned or destined, also of the place or places where she took in her lading, of what country built, from what foreign port or place she last sailed, who was master or commander of her during the voyage,

who is at the time of such report master or commander of her, and (if a vessel of the United States) who are owners of her; unless the whole of such information required on the second report as aforesaid, shall have been given at the time of making the first report, in which case it shall not be necessary to make a further report. And in the cases in which the master or person having the charge or command of any ship or vessel herein before required to have on board at the time of her departure from such foreign port or place for the United States, a manifest or manifests of the lading of such ship or vessel, or of any part thereof, the said master or person having the said charge or command shall, at the time of making the said report, deliver the said manifest or manifests to the collector to whom the said report shall be made, and shall declare to the truth of such manifest or manifests, as the same ought to be, in conformity to the directions of this act. And the said master or person having the charge or command of any such ship or vessel, shall in each case declare that no part of her lading, since her departure from the said foreign port or place from which she shall be so reported to have last sailed, has been landed or unladed, or otherwise removed from on board of her, except as he shall then specify, together with the cause, time, place and manner; and shall further declare, that in case he shall afterwards discover or know of any goods, wares or merchandise, other than those by him then reported, he will forthwith thereafter make report thereof to the said collector: which report and declarations respectively shall be in writing, signed by the party making the same, and shall be attested by his oath, to the best of his knowledge and belief; and the said collector is hereby authorized and required to administer the same. And if the said master or person having the charge or command of any such ship or vessel shall neglect or omit to make the said reports, or either of them, and declaration or declarations, or to deliver the said manifest or manifests, or to take the said oath, as the case may require, he shall for every such offence forfeit and pay the sum of one thousand dollars.

SEC. 17. *Provided always, and be it further enacted*, That it shall not be necessary for the master or person having the charge or command of any ship or vessel of war, or of any ship or vessel employed by any prince or state, as a public packet for the conveyance of letters and dispatches, and not permitted by the laws of such prince or state to be employed in the transportation of goods, wares or merchandise in the way of trade, to make such report and entry as aforesaid.

SEC. 18. *And be it further enacted*, That it shall be lawful for the said ship or vessel to proceed with any goods, wares or merchandise brought in her which shall be reported by the said master or other person having the charge or command of the said ship or vessel, to be destined for any foreign port or place from the district within which such ship or vessel shall first arrive, to such foreign port or place, without paying or securing the payment of any duties upon such of the said goods, wares or merchandise, as shall be actually re-exported in the said ship or vessel accordingly; any thing herein contained to the contrary notwithstanding. *Provided always*, That the said master or person having the charge or command of the said ship or vessel shall first give bond with one or more sureties, in a sum equal to the amount of the duties upon the said goods, wares and merchandise, as the same shall be estimated by the collector to whom the said report shall be made, to the satisfaction of the said collector, with condition that the said goods, wares or merchandise, or any part thereof, shall not be landed within the United States, unless due entry thereof shall have been first made, and the duties thereupon paid or secured according to law, which bond shall be cancelled in like manner as bonds herein after directed to be given for obtaining drawbacks of duties. *Provided nevertheless*, That such bond shall not

and deliver a manifest thereof to the collector.

To make report on oath of what he may have landed since he sailed from the port where he loaded.

Penalty on refusal or neglect.

Masters of foreign ships of war or packets not to make report and entry.

Master of vessel after arriving and entering may proceed to a foreign port;

after giving bond that his cargo shall not be landed in the United States without first entered.

Bond not to be required when vessels put in from distress.

Duties to be paid only in such districts where goods are landed.

Collector to furnish the master of a vessel bound to another district with a copy of his report;

which he is to show to collector of that district within 24 hours after his arrival;

and to give bond that the residue of his goods shall be entered and delivered in such districts as reported to be destined to.

Penalty on neglect thereof.

Owner or consignee to make

be required in respect to the goods on board of any ship or vessel which shall have put into the United States from necessity, to be made appear in manner herein after prescribed.

SEC. 19. *And be it further enacted*, That it shall be lawful for any ship or vessel in which any goods, wares or merchandise shall be brought into the United States from any foreign port or place, to proceed with the same from district to district within the United States, in order to the landing or delivery thereof; and the duties on such of the said goods only as shall be landed in any district, shall be paid or secured to be paid within such district.

SEC. 20. *And be it further enacted*, That before any ship or vessel shall depart from the district in which she shall first arrive, for another district, with goods, wares or merchandise brought in such ship or vessel from a foreign port or place, the duties whereof shall not have been paid or secured, the master or person having the charge or command of such ship or vessel, shall obtain from the collector of the district from which she shall be about to depart (who is hereby required to grant the same) a copy of the report made by such master or person having the charge or command of such ship or vessel, certified by the said collector, together with a certificate of the quantity and particulars of the goods which shall appear to him to have been landed within his district. And within twenty-four hours after the arrival of such ship or vessel within any other district, the said master or person having the charge or command of such ship or vessel shall make report or entry to or with the collector of such other district, producing and showing the said certified copy of his said first report, together with a certificate from each collector of any other district within which any of the goods, wares or merchandise brought in such ship or vessel shall have been before landed, of the quantity and particulars of such of the said goods, wares and merchandise as shall have been so landed in each district respectively; except in the state of Georgia, where such report shall be made within forty-eight hours: *Provided always*, That the master or person having the charge or command of the said ship or vessel shall first give bond with one or more sureties to the satisfaction of the collector of the district within which the said ship or vessel shall first arrive, in a sum equal to the amount of the duties on the residue of the said goods, according to such estimate as the said collector shall form thereof, with condition that the said residue of the said goods shall be duly entered and delivered in such other district or districts of the United States, for which the same shall have been reported to be destined. And the said bond shall be cancelled or discharged by the production of a certificate or certificates from the collector or collectors of the district or districts for which the said goods shall have been reported, testifying the due entry and delivery of the said goods in such district or districts, or upon due proof to the satisfaction of the collector by whom the said bond shall have been taken, that such entry and delivery were prevented by some unavoidable accident or casualty, and that if the whole or any part of the said goods shall not have been lost, that the same has been duly entered and delivered within the United States. And if the master or person having charge or command of any such ship or vessel, shall fail by his neglect or fault to obtain the said copy of his said report from the collector of the district from which he shall be so about to depart, or of any certificate which he ought to obtain as aforesaid, or shall neglect to produce and show the same to the collector of any other district to which the said ship or vessel shall afterwards proceed, within the time for that purpose herein before specified, he shall forfeit and pay for every such neglect or omission five hundred dollars.

SEC. 21. *And be it further enacted*, That the owner or owners, consignee or consignees of any goods, wares or merchandise on board of

any such ship or vessel, or in case of his, her or their absence or sickness, his, her or their known factor or agent, in his, her or their names, within fifteen days after report of the master or person having the charge or command of such ship or vessel to the collector of the district for which such goods, wares or merchandise shall be destined, shall make entry thereof with the said collector, and shall specify in such entry the particular marks, numbers and contents of each package or parcel whereof they shall consist, or if in bulk, the quantity and quality, together with the nett prime cost thereof; and shall also produce to the said collector, if any such there be, the original invoice or invoices, or other documents in lieu thereof, and bill or bills of lading; all which shall be done upon the oath of the person by whom such entry shall be made, according to the best of his or her knowledge and belief; who shall thereby also declare that if he or she shall afterwards discover or know of any other goods, wares or merchandises imported in such ship or vessel, belonging or consigned to the person or persons by whom or on whose behalf such entry shall have been made, he or she will forthwith make known the same, in order to the due entry thereof, and the payment or securing the payment of the duties thereupon: *Provided always*, That where the particulars of any such goods, wares, or merchandise shall be unknown, in lieu of the entry herein before directed to be made, an entry thereof shall be made and received according to the circumstances of the case, the party making the same, declaring upon oath all that he or she knows or believes concerning the quantity and particulars of the said goods, and that he or she has no other knowledge or information concerning the same; which entry, as well the first as the last, shall be made in writing, and shall be subscribed by the party making the same.

entry of goods  
imported upon  
oath.

And in order to ascertain what articles ought to be exempted from duty, as the sea stores of a ship or vessel,

SEC. 22. *Be it further enacted*, That the master or person having the charge or command of such ship or vessel, shall particularly specify the said articles in the report to be by him made as aforesaid, designating them as the sea stores of the said ship or vessel; and in the said oath to be taken by such master or other person, he shall declare that the articles so specified as sea stores are truly such, and were bona fide put on board the said ship or vessel for the use of the officers, crew and passengers thereof, and were not brought, and are not intended by way of merchandise or for sale; whereupon the said articles shall be free from duty: *Provided always*, That if it shall appear to the collector to whom such report shall be made, together with the naval officer, where there is one, or alone where there is none, that the quantities of the said articles so reported as sea stores are excessive, it shall be lawful for the said collector, jointly with the said naval officer, or alone as the case may be, in his or their discretion, to estimate the amount of the duty on such excess; which shall be forthwith paid by the said master or person having the command or charge of the said ship or vessel to the said collector, on pain of forfeiting the value of such excess. And if any of the said articles shall be landed for the purpose of being sold, or to be otherwise used than as the sea stores of the ship or vessel in which they were brought, all such as shall be so landed shall be forfeited, and the master or commander of such ship or vessel being privy thereto, shall moreover forfeit and pay treble the value of the articles so landed.

Sea stores ex-  
empt from duty.

Excess there-  
of to be valued,  
and duties paid.

Penalty for  
landing and sel-  
ling them.

And also to ascertain what articles ought to be exempted from duty, as the clothes, books, household furniture, tools or implements of the trade or profession of persons arriving within the United States:

SEC. 23. *Be it further enacted*, That due entry thereof, as of other goods, wares and merchandise, but separate and distinct from that of any other goods, wares or merchandise imported from a foreign port or

Other articles  
exempt from  
duty, to be en-

tered distinctly  
upon oath by  
owner,

and if by any  
other, the oath  
of the owner to  
be produced  
within one year,

and transmitted  
with the entry to  
Secretary of  
Treasury.

Duties paid on  
articles of the  
growth and  
manufacture of  
the U. States,  
exported and  
brought back to  
be refunded,

and to ascertain  
their identity,  
they are to be  
entered in the  
same manner as  
other articles  
imported.

place, shall be made with the collector of the district in which the said articles are intended to be landed by the owner thereof, his or her agent, who shall make oath before the said collector, according to the best of his or her knowledge or belief, touching the person to whom the said articles shall belong, and his calling or occupation, the arrival or expected arrival of the said person within the United States, and that the said articles are truly intended for the use of the said owner solely, or jointly with his or her family, as the case may be, and are not directly nor indirectly imported or intended for sale; which oath shall be in writing, endorsed upon the said entry, and subscribed by the party making the same. And in case the said party shall be other than the owner of the said articles, he or she shall give bond with one or more sureties to the satisfaction of the said collector, in a sum equal to what would be the amount of the duties on the said articles if imported subject to duty, with condition that in a certain time therein to be specified, not exceeding one year, a like oath as above directed shall be made by the said owner, and if not made before the said collector, shall be produced to him duly authenticated; whereupon a permit shall and may be granted for landing the said articles. And a copy of every such entry, and of the oath endorsed thereupon, shall be transmitted to the Secretary of the Treasury for his information.

And whereas by the letter of the act, intituled "An act for laying a duty on goods, wares and merchandises imported into the United States," articles of the growth or manufacture of the United States, exported to foreign countries, and brought back to the United States, are subject to duty on their importation into the said states; and whereas it was not the intention of Congress that they should be so subject to duty:

SEC. 24. *Be it therefore further enacted*, That in every case in which a duty may have been heretofore paid on goods, wares or merchandises of the growth or manufacture of the United States, exported to a foreign country, and brought back to the said states, the amount thereof shall be repaid to the person or persons by whom the same shall have been paid, or to his, her or their representatives; and that in every case in which such duty may have accrued, but may not have been paid, the same be remitted, and that no such duty shall hereafter be demanded: *Provided*, That the regulations herein after prescribed for ascertaining the identity of such goods, wares or merchandise, be observed and complied with, and that as well in respect to those heretofore imported, as far as may be practicable, as to those hereafter to be imported.

And also to ascertain the identity of articles of the growth, product or manufacture of the United States, which having been exported to any foreign port or place, shall be brought back to the said states:

SEC. 25. *Be it further enacted*, That report and entry thereof shall be made as in other cases of goods, wares and merchandise imported from a foreign port or place, and proof by oath of the person or persons having knowledge of the facts, shall be made to the satisfaction of the collector of the district, with whom such entry shall be, jointly with the naval officer, if there be a naval officer, or alone if there be no naval officer, that the said articles had been exported from the United States, as of their growth, product or manufacture, and of the time when, by whom, in what ship or vessel, and for what port or place they were so exported; and if the said collector shall be other than the collector of the district from which the said articles shall have been exported, a certificate of the latter shall be produced to the former, testifying the exportation thereof in conformity to the proof aforesaid; whereupon a permit shall and may be granted for landing the same: *Provided*, That if the said certificate cannot be immediately produced, and if the proof otherwise required shall be made, and if bond shall be given, with one or more sureties to the satisfaction of the collector of the district within

which the said articles are intended to be landed, in a sum equal to what the duties would be on the said articles, if they were not of the growth, product or manufacture of the United States; with condition that the said certificate shall be produced within the term of four months, it shall be lawful for the said collector to grant a permit for the landing of the said articles, in like manner as if the said certificate had been produced.

SEC. 26. *And be it further enacted*, That the oaths to be taken upon making of any of the reports or entries aforesaid, whether by the master, or other person having the charge or command of any ship or vessel, or the owner or consignee of any goods, wares or merchandise, his or her factor or agent, shall be administered by the collector or officer to whom report or entry shall be made, and where there shall be a naval officer, in the presence of such naval officer, who shall attend for that purpose, and shall be reduced to writing, and shall be subscribed by the person administering the same, and by the said naval officer, if any shall be present: and the said collector, jointly with the said naval officer, where there is a naval officer, or alone where there is none, shall, according to the best of his or their judgment or information, make a gross estimate of the amount of the duties on the goods, wares or merchandise to which the entry of any owner or consignee, his or her factor or agent shall relate, which estimate shall be endorsed upon such entry, and signed by the officer or officers making the same. And the amount of the said duties according to the said estimate, having been first paid or secured, pursuant to the provisions of this act, the said collector shall grant a permit to land the goods, wares or merchandise, whereof such entry shall have been made, and then and not otherwise it shall be lawful to land the said goods.

Oaths to be administered on entries by officers of customs;

who shall make an estimate of the amount of the duties thereon.

SEC. 27. *And be it further enacted*, That no goods, wares or merchandise brought in any ship or vessel from any foreign port or place, shall be unladen or delivered from such ship or vessel, within the United States, but in open day—that is to say; between the rising and setting of the sun, except by special license from the chief officer of the port for that purpose, nor at any time without a permit from the collector for such unloading or delivery: and if any goods, wares or merchandise shall be unladen or delivered from any such ship or vessel, contrary to the directions aforesaid, or any of them, the master or person having the command or charge of such ship or vessel, and every other person who shall knowingly be concerned or aiding therein, or in removing, storing, or otherwise securing the said goods, wares or merchandise, shall forfeit and pay the sum of four hundred dollars for each offence; and shall be disabled from holding any office of trust or profit under the United States, for a term not exceeding seven years; and it shall be the duty of the collector of the district, to advertise the names of all such persons in a newspaper, printed in the state in which he resides, within twenty days after each respective conviction. And all goods, wares or merchandise so unladen or delivered, shall become forfeited, and may be seized by any of the officers of the customs; and where the value thereof according to the highest market price of the same, shall amount to four hundred dollars, the vessel, tackle, apparel and furniture, shall be subject to like seizure and forfeiture.

Penalty for unloading goods unless in open day and with a permit.

and goods to be forfeited.

SEC. 28. *And be it further enacted*, That no goods, wares or merchandise brought in any ship or vessel from any foreign port or place, requiring to be weighed or gauged in order to ascertain the duties thereupon, shall be removed from any wharf or place upon which the same may be landed or put, before the same shall have been weighed or gauged, by or under the direction of a proper officer for that purpose; and if any such goods, wares or merchandise shall be removed from such wharf or place, unless with consent of the proper officer, before

Goods removed before being weighed or gauged, also to be forfeited.

the same shall have been so weighed or gauged, the same shall be forfeited, and may be seized by any officer of the customs.

Goods to be stored by the collector until the duties thereon are ascertained.

SEC. 29. *And be it further enacted*, That all goods, wares or merchandise of which entry shall have been made, without specification of particulars, shall be conveyed to some warehouse or store-house, to be designated by the collector, in the parcels or packages containing the same, under the care of some proper officer, until the particulars thereof shall be examined and ascertained; agreeably to which the duties thereupon shall be finally adjusted and satisfied. And in every case, if the amount of the duties estimated, or secured to be paid, shall exceed or fall short of the true amount of the duties on the goods, wares or merchandise imported, as the same shall be finally ascertained, the difference shall be made good, or allowed where there shall be an excess, by return of the money, if paid, or credit on the bond which shall [have] been given for the same, if not paid; and where shall be a deficiency, by payment of such deficiency to the said collector.

Inspectors to be put on board of vessels until they are unladen,

SEC. 30. *And be it further enacted*, That it shall be lawful for the collector of any district at which any ship or vessel may arrive, and for the surveyor of any port where any such ship or vessel may be, to put and keep on board such ship or vessel, while remaining within such district, or in going from one district to another, one or more inspectors to examine the cargo or contents of such ship or vessel, and to superintend the delivery thereof, or of so much thereof as shall be delivered within the United States; and to perform such other duties according to law, as they shall be directed by the said collector or surveyor to perform for the better securing the collection of the duties: *Provided*, That collectors only shall have power to put on board ships or vessels, inspectors to go from one district to another. And the said inspector or inspectors shall make known to the person having the charge or command of such ship or vessel, the duties he or they is or are so to perform; and shall suffer no goods, wares or merchandise to be landed or unladen from such ship or vessel, without a proper permit for that purpose; and shall enter in a book to be by him or each of them kept, the name or names of the person or persons in whose behalf such permit was granted, together with the particulars therein specified, and the marks, numbers, kinds and descriptions of the respective packages which shall be unladen pursuant thereto. And the wages or compensation of such inspector or inspectors in going from one district to another, shall be defrayed by the master or person having the charge of the vessel in which they respectively go.

their duties,

and wages.

Officers of the customs and revenue cutters to go on board of vessels,

to demand manifests and search.

SEC. 31. *And be it further enacted*, That it shall be lawful for all collectors, naval officers, surveyors, inspectors, and the officers of the revenue cutters herein after mentioned, to go on board of ships or vessels in any part of the United States, or within four leagues of the coast thereof, if bound to the United States, whether in or out of their respective districts, for the purposes of demanding the manifests aforesaid, and of examining and searching the said ships or vessels; and the said officers respectively shall have free access to the cabin, and every other part of a ship or vessel: and if any box, trunk, chest, cask, or other package, shall be found in the cabin, steerage or fore-castle of such ship or vessel, or in any other place separate from the residue of the cargo, it shall be the duty of the said officer to take a particular account of every such box, trunk, cask or package, and the marks, if any there be, and a description thereof; and if he shall judge proper to put a seal or seals on every such box, chest, trunk, cask or package; and such account and description shall be by him forwarded to the collector of the district to which such ship or vessel is bound. And if upon her arrival at the port of her entry, the boxes, trunks, chests, casks or packages so described, or any of them shall be missing, or if the seals put thereon

be broken, the master or commander of such ship or vessel shall forfeit and pay for every such box, trunk, chest, cask or package so missing, or of which the seals shall be broken, two hundred dollars. And it shall also be lawful for the inspectors who may be put on board of any ship or vessel, to secure after sunset in each evening, the hatches and other communications with the hold of such ship or vessel, with locks or other proper fastenings, which fastenings shall not be opened, broken or removed, until the morning following, or after the rising of the sun, and in presence of the inspector or inspectors by whom the same shall have been affixed, except by special license from the chief officer of the port. And if the said locks or other fastenings, or any of them, shall be broken or removed during the night, or before the said rising of the sun, or without the presence of the said inspector or inspectors, the master or person having the charge or command of such ship or vessel, shall forfeit and pay the sum of two hundred dollars.

Packages missing subjecting the master to a penalty.

Hatches of respective vessels to be secured after sunset,

and forfeiture for opening them in the night.

SEC. 32. *And be it further enacted*, That when the delivery of goods, wares or merchandise from on board of any such ship or vessel at any port shall have been completed, the accounts or entries which shall have been kept or made thereof by the officer or officers who shall have been charged with superintending the said deliveries, shall be reported to the collector of the district, who, together with the naval officer, where there is one, or alone where there is none, shall compare the said accounts and entries with the entry or entries which shall have been made by the owner or owners, consignee or consignees, his, her or their factor or agent. And if any difference shall appear, the same shall be noted by endorsement on such entry or entries, specifying the particulars thereof; and if no difference shall appear, it shall be noted by like endorsement, that the deliveries have corresponded with the entry; which endorsement or memorandum shall in each case be subscribed by the officer or officers by whom such comparison shall have been made, and by the officer or officers under whose inspection the said deliveries shall have been executed.

Report of the cargo delivered to be compared with the entry thereof,

and result to be endorsed on the entry.

SEC. 33. *And be it further enacted*, That if at the expiration of fifteen working days after the time within which the report of the master or person having the charge or command of any ship or vessel, is required to be made to the collector of a district as aforesaid, there shall be found on board any goods, wares or merchandise, other than shall have been reported for some other district or a foreign port or place, the said inspector or inspectors shall take possession thereof, and deliver the same to the order of the collector of the district, taking his receipt therefor, and giving a certificate thereof to the master or person having such charge or command of such ship or vessel, describing the packages and their marks and numbers. And the said goods shall be kept with due and reasonable care at the charge and risk of the owner or owners for a term of nine months; and if within that time no claim be made for the same, the said collector shall procure an appraisal thereof by two or more reputable merchants, to be certified under their hands, and to remain with him, and shall afterwards cause the said goods to be sold at public auction, and retaining the duties and charges thereon, shall pay the overplus, if any there be, into the treasury of the United States, there to remain for the use of the owner or owners, who shall upon due proof of his, her or their property, be entitled to receive the same; and the receipt or certificate of the collector shall exonerate the master or commander from all claim of the owner. *Provided*, That where any entry shall have been duly made of such goods, the same shall not be appraised; and that where such goods are of a perishable nature, they shall be sold forthwith. *Provided further*, That the said limitation of fifteen days shall not extend to ships or vessels laden with salt or coal; but if the said master or owner of any such ship or vessel

Goods to be taken by the collector 15 days after report made by master of vessel,

who shall keep them 9 months, and if not then claimed, to have them appraised and sold at auction, and pay the net proceeds into the treasury of the United States;

such goods not to be appraised if entered, but sold if of a perishable nature. Limitation of 15 days not to extend to vessels laden with salt or coal,



and the extra wages of the inspectors to be paid by the master.

Packages reported missing, or disagreement of the report with the cargo, subjecting the master to penalty.

Allowances for the drafts and tare of articles.

Allowance for leakages.

Goods damaged during a voyage, or not accompanied with an invoice, to be appraised to ascertain the duties.

requires longer time to discharge her cargo, the wages or compensation of the inspector for every day's attendance exceeding the said fifteen days, shall be paid by the said master or owner. And if by reason of the delivery of a cargo in different districts, more than the said term of fifteen working days shall in the whole be spent therein, the wages or compensation of the inspector or inspectors who may be employed on board of any ship or vessel, in respect to which the said term may be so exceeded, shall for every day of such excess be paid by the said master or owner.

SEC. 34. *And be it further enacted*, That if any package whatever, which shall have been reported as aforesaid, shall be wanting and not found on board such ship or vessel, or if the goods on board the said ship or vessel shall otherwise not agree with the report of the master or other person having the charge or command of any such ship or vessel; in every such case he shall forfeit and pay the sum of five hundred dollars. *Provided nevertheless*, That if it shall be made to appear to the satisfaction of the collector, naval officer and surveyor, or the major part of them, where those officers are established at any port, or to the satisfaction of the collector alone where either of the said other officers is not established, or in case of trial for the said penalty, to the satisfaction of the court, that no part of the cargo of such ship or vessel has been unshipped since it was taken on board, except as shall have been specified in the said report, or that the said disagreement is by accident or mistake; in such case the penalty aforesaid shall not be inflicted.

SEC. 35. *And be it further enacted*, That the following allowances shall be made for the drafts and tare of the articles subject to duty by weight—that is to say: For draught on any quantity of one hundred weight, or one hundred and twelve pounds, and under, one pound; on any quantity above one, and not exceeding two hundred weight, two pounds; on any quantity above two, and not exceeding three hundred weight, three pounds; on any quantity above three, and not exceeding ten hundred weight, four pounds; on any quantity above ten, and not exceeding eighteen hundred weight, seven pounds; on any quantity above eighteen hundred weight, nine pounds: For tare, on every whole chest of bohea tea, seventy pounds; on every half chest, thirty-six pounds; on every quarter chest, twenty pounds; on every chest of hyson or other green tea, the gross weight of which shall be seventy pounds or upwards, twenty pounds; on every box of other tea, not less than fifty, or more than seventy pounds gross, eighteen pounds; on all other boxes of tea, according to the invoice thereof; on coffee in bags, two per cent., in bales, three per cent., in casks, twelve per cent.; on pepper in bales, five per cent., in casks, twelve per cent.; on sugars, other than loaf sugar, in casks, twelve per cent., in boxes, fifteen per cent.; on all other goods, according to the invoice thereof. *Provided always*, That where the original invoices of any of the said articles are produced, and the tare or tares appear therein, it shall be lawful, with the consent of the importer or importers, consignee or consignees, to estimate the said tare or tares according to such invoice.

SEC. 36. *And be it further enacted*, That there shall be an allowance for leakage of two per cent. on the quantity which shall appear by the gauge to be contained in any cask of liquors subject to duty by the gallon.

SEC. 37. *And be it further enacted*, That if any goods, wares or merchandise, on which duties are payable, shall receive damage during the voyage, or shall not be accompanied with the original invoice of their cost, it shall be lawful for the collector (and upon the request of the party he is required) to appoint one merchant, and the owner or consignee to appoint another, who being sworn or affirmed by the collector, well and truly to appraise such goods, shall appraise or value them

accordingly, and the duties upon such goods shall be estimated agreeably to such appraisement or valuation: And in respect to such damaged articles as are charged with a specific duty, by number, weight or measure, the said appraisers shall certify what in their judgment would have been their value, in case they had not been so damaged, and there shall be an abatement in the duty in proportion to the difference in value. *Provided*, That if the owner or owners, consignee or consignees of such goods not accompanied with an original invoice, shall choose to wait the receipt thereof, in such case the said collector shall take into his custody the said goods, and shall keep or cause the same to be kept with due and reasonable care, at the expense and risk of the party or parties, until the said invoice shall arrive, or until the said party or parties shall consent to the valuation thereof.

and the latter kept by the collector until the invoice arrives, if the owner chooses.

SEC. 38. *And be it further enacted*, That if any ship or vessel from any foreign port or place, compelled by distress of weather or other necessity, shall put into any port or place of the United States, not being destined for the same; and if the master or person having charge or command of such ship or vessel, together with the mate or person next in command, shall, within twenty-four hours after her arrival, make protest in the usual form upon oath before a notary public, or other person duly authorized, or before the collector of the district where the said ship or vessel shall so arrive, who is hereby empowered to administer the same, setting forth the cause and circumstances of such distress or necessity, and shall within forty-eight hours after such arrival, make report to the said collector, of the said ship or vessel and her cargo as in other cases. And if it shall be made appear to the said collector, by the certificate of the wardens of the port, or other officers usually charged with, and accustomed to ascertaining the condition of ships and vessels arriving in distress, if any such there be, or by the certificate of any two reputable merchants, to be named for that purpose by the said collector, if no such wardens or other officers there be, that there is a necessity for unloading the said ship or vessel, the said collector shall grant a permit for that purpose, and shall appoint an inspector or inspectors to oversee such unloading. And all goods so unladen shall be stored under the direction of the said collector; who, upon request of the master or other person having charge or command of such ship or vessel, or of the owner thereof, shall grant a license to dispose of such part of the said cargo as may be of a perishable nature (if any there be) or as may be necessary to defray the expenses attending such ship or vessel, and her cargo: *Provided*, That the duties thereupon be first paid. And the said goods, or the remainder thereof, may afterwards be reladen on board the said ship or vessel, and the said ship or vessel may proceed with the same to the place of her destination, free from any other charge than for the storing and safe-keeping of the said goods.

Ships or vessels compelled by distress to make entry and protest,

and collector may grant a permit to unload their cargoes,

which shall be stored under his direction, and the perishable part sold by his license,

the duties being first paid, and the residue reladen.

SEC. 39. *And be it further enacted*, That the ad valorem rates of duty upon goods, wares and merchandise at the place of importation, shall be estimated by adding twenty per cent. to the actual cost thereof, if imported from the Cape of Good Hope, or from any place beyond the same; and ten per cent. on the actual cost thereof if imported from any other place or country, exclusive of charges.

Rule for estimating the ad valorem rates of duty at the place of importation.

SEC. 40. *And be it further enacted*, That all foreign coins and currencies shall be estimated according to the following rates: Each pound sterling of Great Britain at four dollars and forty-four cents; each livre tournois of France at eighteen cents and an half; each florin or guilder of the United Netherlands, at thirty-nine cents; each mark banco of Hamburg, at thirty-three cents and one-third; each rix dollar of Denmark, at one hundred cents; each rial of plate of Spain, at ten cents; each milree of Portugal at one dollar and twenty-four cents; each pound sterling of Ireland, at four dollars ten cents; each tale of China at one

Rates of foreign coin and currency.

Duties how to  
be paid or se-  
cured.

dollar forty-eight cents; each pagoda of India, at one dollar ninety-four cents; each rupee of Bengal, at fifty-five cents and an half; and all other denominations of money in value as near as may be to the said rates.

SEC. 41. *And be it further enacted*, That all duties on goods, wares and merchandise imported, shall be paid or secured to be paid, before a permit shall be granted for landing the same. And where the amount thereof on goods imported in any ship or vessel, on account of one person only, or of several persons jointly interested, shall not exceed fifty dollars, the same shall be immediately paid; but where the said amount shall exceed fifty dollars, the same may, at the option of the proprietor or proprietors, consignee or consignees, be either immediately paid or secured by bond, with condition for the payment thereof, if accruing upon articles of the produce of the West Indies, in four months; if accruing on Madeira wines, in twelve months; if accruing upon any other goods, wares or merchandise, other than teas imported from China, in six months; which bond, at the like option of the said proprietor or proprietors, consignee or consignees, shall either include one or more sureties, to the satisfaction of the collector of the district where the said duties shall accrue, or shall be accompanied with a deposit in the custody of the said collector, of so much of the said goods as shall in his judgment be a sufficient security for the amount of the duties for which such bond shall have been given, and the charge of the safe keeping and sale of the goods so deposited; which deposit shall and may be accepted in lieu of the said surety or sureties, and shall be kept by the said collector, with due and reasonable care, at the expense and risk of the party or parties on whose account the same shall have been made, until the sum specified in such bond shall have become due, at which time if such sum shall not be paid, so much of the said deposited goods as may be necessary, shall be sold at public sale, and the proceeds thereof, after deducting the charges of keeping and sale, shall be applied to the payment of such sum, rendering the overplus and the residue of the said goods, if any there be, to the person or persons by whom such deposit shall have been made, or to his, her or their representatives. *Provided*, That no person whose bond for the payment of duties is due and unsatisfied, shall be allowed a future credit for duties, until such bond shall be fully paid or discharged.

Teas imported  
from China may  
be deposited in  
custody of col-  
lector on cer-  
tain conditions.

SEC. 42. *Provided always, and be it further enacted*, That all teas imported from China may, at the option of the proprietor or consignee thereof, be deposited in the custody of the collector with whom the same shall be entered, or the duties thereon secured by bond, with one or more sureties, to the satisfaction of the collector, with condition for the payment of such duties within twelve months; and in case of depositing such teas, they shall be kept at the charge of the person or persons depositing the same. And the collector shall deliver such teas, or part thereof, from time to time, to the person or persons depositing the same, or to his or their order, on payment of the duties for such part as may be so delivered, and not otherwise; and in case the whole of the duties shall not be paid within eighteen months from the time of the entry made, it shall be the duty of the said collector to sell at public auction so much of the said teas as shall be sufficient to pay the duties then due, together with the charges of sale and safe keeping, and to return the overplus to the person or persons who shall have deposited such teas, or his, her or their representatives; and for such teas as have been imported from China in the present year, the owner or consignee thereof shall be entitled to deposit the same, or to give bond, payable in like manner, and under like regulations, as are herein before directed for teas which shall hereafter be imported, notwithstanding the duties on such teas may have been already secured to be paid.

SEC. 43. *And be it further enacted*, That the duties imposed by law

on the tonnage of any ship or vessel, shall be paid to the collector by the master or person having the charge or command of such ship or vessel, within ten days after his report to the said collector, and before such ship or vessel shall be permitted to clear out; the register of which ship or vessel shall at the time of entry be lodged in the office of the collector, and there remain until such clearance. And if any ship or vessel shall leave, or attempt to leave any district of the United States, without paying the said duties, the master or person having the charge or command of the same shall forfeit and pay five hundred dollars.

Duties on tonnage to be paid within ten days after report has been made.

SEC. 44. *And be it further enacted*, That to ascertain the tonnage of any ship or vessel, the surveyor, or such other person as shall be appointed by the collector of the district to measure the same, shall, if the said ship or vessel be double decked, take the length thereof from the fore part of the main stem to the after part of the stern post above the upper deck; the breadth thereof at the broadest part above the main wales, half of which breadth shall be accounted the depth of such vessel, and shall then deduct from the length three fifths of the breadth, multiply the remainder by the breadth, and the product by the depth, and shall divide this last product by ninety-five, the quotient whereof shall be deemed the true contents or tonnage of such ship or vessel. And if such ship or vessel be single decked the said surveyor or other person shall take the length and breadth as above directed, in respect to a double decked ship or vessel, shall deduct from the said length three fifths of the breadth, and taking the depth from the under side of the deck plank to the ceiling in the hold, shall multiply and divide as aforesaid, and the quotient shall be deemed the tonnage of such ship or vessel.

Mode of ascertaining the tonnage of any vessel.

SEC. 45. *And be it further enacted*, That where any bond for the payment of duties shall not be satisfied on the day it became due, the collector shall forthwith cause a prosecution to be commenced for the recovery of the money thereon, by action or suit at law, in the proper court having cognizance thereof; and in all cases of insolvency, or where any estate in the hands of executors or administrators shall be insufficient to pay all the debts due from the deceased, the debt due to the United States, on any such bond, shall be first satisfied.

Bond for duties, how to be prosecuted.

SEC. 46. *And be it further enacted*, That if any goods, wares or merchandise, of which entry shall have been made in the office of a collector, shall not be invoiced according to the actual cost thereof at the place of exportation, with design to evade the duties thereupon, or any part thereof, all such goods, wares or merchandise, or the value thereof, to be recovered of the person making entry, shall be forfeited. And in every case in which the said collector shall suspect that any such goods, wares or merchandise, are not invoiced at a sum equal to that for which they have usually been sold in the place or country from whence they were imported, it shall be the duty of such collector to take the said goods, wares and merchandise into his possession, and retain the same, with reasonable care, at the risk and expense of the owner or owners, consignee or consignees thereof, until their value at the time and place of importation shall be ascertained by two reputable merchants, to be chosen and appointed as in the case of damaged goods, or goods not accompanied with an invoice; and until the duties arising according to such valuation shall be first paid, or secured to be paid, as required by this act in other cases of importation: *Provided*, That in case of a prosecution for the forfeiture aforesaid, such appraisement shall not be construed to exclude other proof upon the trial, of the actual and real cost of the said goods at the said place of exportation.

Goods entered and not truly invoiced, to be forfeited.

How to be ascertained.

SEC. 47. *And be it further enacted*, That it shall be lawful for the collector or other officer of the customs, after entry made of any goods, wares or merchandise, on suspicion of fraud, to open and examine in

Officer sus-  
pecting fraud  
may examine  
packages.

the presence of two or more reputable merchants, any package or packages thereof; and if upon examination they shall be found to agree with the entries, the officer making such seizure shall cause the same to be repacked, and delivered to the owner or claimant forthwith; and the expense of such examination shall be paid by the said collector or other officer, and allowed in the settlement of his accounts; but if any of the packages so examined shall be found to differ in their contents from the entry, then the goods, wares or merchandise contained in such package or packages shall be forfeited: *Provided*, That the said forfeiture shall not be incurred, if it shall be made appear to the satisfaction of the collector and naval officer of the district where the same shall happen, if there be a naval officer, and if there be no naval officer, to the satisfaction of the said collector, or of the court in which a prosecution for the forfeiture shall be had, that such difference proceeded from accident or mistake, and not from an intention to defraud the revenue.

Dutiable goods  
concealed, how  
to be searched  
for and secured.

SEC. 48. *And be it further enacted*, That every collector, naval officer and surveyor, or other person specially appointed by either of them for that purpose, shall have full power and authority to enter any ship or vessel in which they shall have reason to suspect any goods, wares or merchandise subject to duty shall be concealed; and therein to search for, seize and secure any such goods, wares or merchandise. And if they shall have cause to suspect a concealment thereof in any particular dwelling-house, store, building or other place, they or either of them shall, upon application on oath to any justice of the peace, be entitled to a warrant to enter such house, store or other place (in the daytime only) and there to search for such goods, and if any shall be found, to seize and secure the same for trial: and all such goods, wares and merchandise, on which the duties shall not have been paid or secured, shall be forfeited.

Collector to  
take custody of  
goods seized.

SEC. 49. *And be it further enacted*, That all goods, wares and merchandise which shall be seized by virtue of this act, shall be put into and remain in the custody of the collector or such other person as he shall appoint for that purpose, until such proceedings shall be had as by this act are required, to ascertain whether the same have been forfeited or not; and if it shall be adjudged that they are not forfeited they shall be forthwith restored to the owner or owners, claimant or claimants thereof. And if any person or persons shall conceal or buy any goods, wares or merchandise, knowing them to be liable to seizure by this act, such person or persons shall, on conviction thereof, forfeit and pay a sum double the value of the goods so concealed or purchased.

Penalty for  
concealing or  
buying goods  
subject to duty.

Officers may  
make seizure in  
any district.

SEC. 50. *And be it further enacted*, That it shall be the duty of the several officers of the customs to make seizure of, and secure any ship or vessel, goods, wares or merchandise, which shall be liable to seizure by virtue of this act, as well without as within their respective districts.

Officers sued  
or molested may  
plead this act.

SEC. 51. *And be it further enacted*, That if any officer or other person, executing or aiding and assisting in the seizure of goods, shall be sued or molested for any thing done in virtue of the powers given by this act, or by virtue of a warrant granted by any judge or justice pursuant to law, such officer or other person may plead the general issue, and give this act and the special matter in evidence; and if in such suit the plaintiff be nonsuited, or judgment pass against him, the defendant shall recover double cost; and in actions, suits or information to be brought, where any seizure shall be made pursuant to this act, if the property be claimed by any person, in every such case the *onus probandi* shall be upon such claimant. And if any person shall forcibly resist, prevent or impede any officer of the customs, or their deputies, or any person assisting them in the execution of their duty, such person so offending, shall for every offence be fined in a sum not exceeding four hundred dollars.

SEC. 52. *And be it further enacted*, That every collector, naval officer and surveyor shall, within three months after he enters upon the execution of his office, give bond with one or more sufficient sureties, to be approved of by the comptroller of the treasury of the United States, and payable to the said United States, with condition for the true and faithful discharge of the duties of his office according to law—that is to say: The collector of Philadelphia, in the sum of sixty thousand dollars: the collector of New York, fifty thousand dollars: the collector of Boston and Charlestown, forty thousand dollars: the collectors of Baltimore, and Charleston, thirty thousand dollars each: the collector of Norfolk and Portsmouth, fifteen thousand dollars: the collectors of Portsmouth in New Hampshire, of Salem and Beverly, Wilmington in the state of Delaware, Annapolis, Georgetown in Maryland, Bermuda Hundred and City-point, Alexandria, Wilmington, Newbern and Edenton in the state of North Carolina, Newport and Providence in the state of Rhode Island and Providence Plantations, ten thousand dollars each: the collectors of Newburyport, Gloucester, Marblehead, Plymouth, Nantucket, Portland and Falmouth, New London, New Haven, Fairfield, Perth Amboy, Yorktown, Dumfries, Washington and Cambden, Georgetown in South Carolina, Beaufort, and Savannah, each five thousand dollars: and all the other collectors in the sum of two thousand dollars each. The naval officers for the ports of Boston and Charlestown, New York, Philadelphia, Baltimore, and Charleston, ten thousand dollars each; and all the other naval officers in the sum of two thousand dollars each. The surveyors of the ports of Boston and Charlestown, New York, Philadelphia, Baltimore, and Charleston, five thousand dollars each; and all other surveyors one thousand dollars each. Which bonds shall be filed in the office of the said comptroller, and be by him severally put in suit for the benefit of the United States, upon any breach of the condition thereof. And as no provision has been heretofore specially made concerning the officers of the customs who may have been heretofore appointed in and for the states of North Carolina, and Rhode Island and Providence Plantations; the said officers respectively shall, within four months after the passing of this act, give bond with proper surety or sureties, in conformity to the provision aforesaid.

Collectors, naval officers and surveyors to enter into bonds for performance of duty.

SEC. 53. *And be it further enacted*, That there shall be allowed and paid to the collectors, naval officers and surveyors to be appointed pursuant to this act, the fees and per centage following—that is to say: To each collector for every entrance of any ship or vessel of one hundred tons burthen or upwards, two dollars and an half; for every clearance of any ship or vessel of one hundred tons burthen and upwards, two dollars and an half; for every entrance of any ship or vessel under the burthen of one hundred tons, one dollar and an half; for every clearance of a ship or vessel under one hundred tons burthen, one dollar and an half; for every permit to land goods, twenty cents; for every bond taken officially, forty cents; and for every permit to load goods for exportation, which are entitled to a drawback, thirty cents; for every official certificate, twenty cents; for every bill of health, twenty cents; for every other official document (registers excepted) required by the owner or master of any vessel not before enumerated, twenty cents: and where a naval officer is appointed to the same port, the said fees shall be equally divided between the collector and the said naval officer, the latter paying one-third of the expense of necessary stationery and of the rent of an office to be provided by the collector, at the place assigned for his residence, and as conveniently as may be for the trade of the district: and all fees shall, at the option of the collector, be either received by him or by the naval officer, the party receiving to account monthly with the other for his proportion or share thereof. To each

Their fees of office and per centage.

Fees of collectors, naval officers and surveyors.

Inspectors,  
measurers,  
weighers and  
gaugers, their  
pay and fees.

Pay and fees  
of inspectors,  
&c.

surveyor for the admeasurement of every ship or vessel of one hundred tons and under, one cent per ton; for the admeasurement of every ship or vessel, above one hundred tons, and not exceeding two hundred tons, one hundred and fifty cents; for the admeasurement of every ship or vessel, above two hundred tons, two hundred cents; for all other services by this act to be performed by such surveyor, on board any ship or vessel of one hundred tons and upwards, and having on board goods, wares and merchandise subject to duty, three dollars; for the like services on board any ship or vessel of less than one hundred tons burthen, having on board goods, wares and merchandise subject to duty, one and an half dollar; on all vessels not having on board goods, wares and merchandise subject to duty, two-thirds of a dollar; all which fees shall be paid by the master or owner of the ship or vessel in which the said services shall be performed, to the surveyor by whom they shall be performed, if performed by one only, for his sole benefit, but if performed by more than one, to him who shall have the first agency, to be divided in equal parts between him and the other or others by whom the said services shall be performed. To each inspector there shall be allowed for every day he shall be actually employed in aid of the customs, a sum not exceeding one dollar and twenty-five cents, to be paid by the collector out of the revenue, and charged to the United States. To the measurers, weighers and gaugers respectively, to be paid by the collector out of the revenue, for the measurement of every one hundred bushels of grain, thirty cents; for the measurement of every one hundred bushels of salt, forty cents; for the measurement of every one hundred bushels of coal, fifty cents; for the weighing of every one hundred and twelve pounds, two cents; for the gauging and marking of every cask (to be marked in durable characters with his own name and the quantity) eight cents; for computing the contents of, and (if requested by the party) marking cases containing distilled spirits and wines, three cents per case; for counting the number of bottles of cider, beer, ale or porter, one cent per dozen; and in proportion for any greater or less quantity. There shall moreover be allowed to the collectors of the districts of New York and Philadelphia, three-fourths of one per centum on the amount of all monies by them respectively received on account of duties; and to the collector of each of the other districts by this act established, one per centum on the amount of all monies by them respectively received on the said account of duties.

And whereas the allowances aforesaid will not afford an adequate compensation to the officers herein after mentioned, by reason of the small proportion of business done at the ports to which they respectively belong, although the said officers are necessary to the accommodation of the inhabitants, the facility of commerce, and the security of the revenue. Therefore,

Special allowance to revenue officers of certain ports.

SEC. 54. *Be it further enacted*, That in addition to the fees and emoluments which shall accrue to the said officers from the provisions aforesaid, they shall severally have and be entitled to the respective allowances following, to wit: The collector of the districts of Saint Mary's in the State of Georgia, Brunswick, Beaufort, South Quay, Cherrystone, Folly Landing, Annapolis, Yeocomico, Saint Mary's, Oxford, Sagg Harbor, Passamaquoddy, the yearly sum of one hundred dollars each. The collectors of the districts of Sunbury and Penobscot in Massachusetts, the yearly sum of sixty dollars each. The collectors of the districts of Hampton, Snowhill, Bridgetown, Burlington, Frenchman's Bay, and Edgartown, the yearly sum of fifty dollars each. The surveyors of the ports of Fredericksburg, Smithfield, Port Royal, Suffolk, West Point, Richmond, Petersburg and Little Egg Harbor, the yearly sum of eighty dollars each. The surveyors of the ports of Swansborough, Urbanna,

Town Creek, Albany, Hudson, Stonington, East Greenwich, and Gloucester, fifty dollars each.

SEC. 55. *And be it further enacted*, That every collector, naval officer, and surveyor, shall cause to be affixed and constantly kept in some public and conspicuous place of his office, a fair table of the rates of fees and duties demandable by law, and shall give a receipt for the fees he shall receive, specifying the particulars; and in case of failure therein, shall forfeit and pay one hundred dollars, to be recovered with costs, in any court having cognizance thereof, to the use of the informer; and if any officer of the customs shall demand or receive any greater or other fee, compensation or reward, for executing any duty or service required of him by law, he shall forfeit and pay two hundred dollars for each offence, recoverable in manner aforesaid for the use of the party grieved.

Collectors, naval officers and surveyors to set up table of fees.

Penalty for demanding greater or other fees.

SEC. 56. *And be it further enacted*, That all the duties and fees to be collected by virtue of this act, shall be payable in gold or silver coin, at the following rates—that is to say: The gold coins of France, England, Spain and Portugal, and all other gold coins of equal fineness, at eighty-nine cents for every penny weight: The Mexican dollar at one hundred cents; the crown of France at one dollar and eleven cents; the crown of England at one dollar and eleven cents; all silver coin of equal fineness, at one dollar and eleven cents per ounce; and cut silver of equal fineness, at one dollar and six cents per ounce.

Rates of coin for receiving duties and fees.

SEC. 57. *And be it further enacted*, That all the drawbacks allowed by law on the exportation of goods, wares and merchandise imported, shall be paid or allowed by the collector at whose office the said goods, wares and merchandise were originally entered, and not otherwise, retaining one per centum for the benefit of the United States. And that the allowances on dried and pickled fish of the fisheries of the United States, and on salted provisions of the United States, shall be paid by the collector of the district from which the same shall be exported, without any deduction or abatement.

Drawbacks, where payable,

SEC. 58. *Provided always, and be it further enacted*, That in order to entitle the exporter or exporters of any goods, wares or merchandise, to the benefit of the said drawbacks or allowances, he or she shall, previous to putting or lading the same on board of any ship or vessel for exportation, give twenty-four hours notice at least to the collector of the district from which the same are about to be exported, of his, her or their intention to export the same, and of the particulars thereof, and of the casks, cases, chests, boxes and other packages or parcels containing the same, or of which the same consists, and of their respective marks, numbers and contents, and if imported articles, of the ship or ships, vessel or vessels in which the person or persons for or by whom, and the place or places from which they were imported. And in respect to the said imported articles proof shall be made to the satisfaction of the said collector, by the oaths of the person or persons (including the said exporter or exporters) through whose hands the said articles shall have passed, according to the best of their knowledge and belief, respecting the due importation of the said articles according to law, and in conformity to such notice of their identity, and of the payment or securing the payment of the duties thereupon. And in respect to the said dried and pickled fish and salted provisions, proof shall be made to the satisfaction of the said collector, according to the circumstances of the case, that the same, if fish, are of the fisheries of the United States; if salted provisions, were salted within the United States. And the said collector shall inspect or cause to be inspected, the goods, wares or merchandise so notified for exportation; and if they shall be found to correspond with the notice and proof concerning the same, the said collector shall grant a permit for lading the same on board the ship or vessel named in such notice, which lading shall be performed under the

and how to be allowed.



superintendence of the officer by whom the same shall have been so inspected. And the said exporter or exporters shall also make oath that the said goods so noticed for exportation, and laden on board the said ship or vessel, are truly intended to be exported to the place whereof notice shall have been given, and are not intended to be relanded within the United States; and shall give bond, with one or more sureties to the satisfaction of the said collector, in a sum equal to the amount of the drawbacks or allowances on such goods, with condition that the said goods, or any part thereof shall not be relanded in any port or place within the limits of the United States as settled by the late treaty of peace.

Exportation of goods entitled to drawback, how to be proved.

*And provided further,* That the said drawbacks or allowances shall not be paid until at least six months after the exportation of the said goods, and until the said exporter or exporters shall produce to the collector with whom such outward entry is made, a certificate in writing of two reputable merchants at the foreign port or place in which the same were landed, together with the oath of the master and mate of the vessel in which they were exported, certifying the delivery thereof. But in case any vessel shall be cast away, or meet with such unavoidable accidents as to prevent the landing such goods, a protest in due form of law, made by the master and mate, or some of the seamen, or in case no such protest can be had, then the oath of the exporter or exporters, or one of them, shall be received in lieu of the other proofs herein directed, unless there shall be good reason to suspect the truth of such oath, in which case it shall and may be lawful for the collector to require such further proof as the nature of the case may demand.

No drawback allowed, unless it amounts to twenty dollars;

*Provided lastly,* That no goods, wares or merchandise imported, shall be entitled to a drawback of the duties paid or secured to be paid thereon, unless such duties shall amount to twenty dollars at least; nor unless they shall be exported in the same casks, cases, chests, boxes or other packages, and from the district or port into which they were originally imported.

nor on pickled fish, &c. except it amount to three dollars.

*SEC. 59. And be it further enacted,* That the sums allowed to be paid by law on the exportation of dried or pickled fish, and of salted provisions, shall not be paid unless the same shall amount to three dollars at least upon one entry.

Goods entitled to drawback or allowance, to be forfeited if landed after entry made.

*SEC. 60. And be it further enacted,* That if any goods, wares or merchandise, entered for exportation, with intent to draw back the duties, or to obtain any allowance given by law on the exportation thereof, shall be landed in any port or place within the limits of the United States as aforesaid, all such goods, wares and merchandise, shall be subject to seizure and forfeiture, together with the ship or vessel from which such goods shall be landed, and the vessels or boats used in landing the same; and all persons concerned therein, shall on indictment and conviction thereof, suffer imprisonment for a term not exceeding six months. And for discovery of frauds, and seizure of goods, wares and merchandise, relanded contrary to law, the several officers established by this act, shall have the same powers, and in case of seizure the same proceedings shall be had, as in the case of goods, wares and merchandise imported contrary to law: And for measuring, weighing or gauging goods for exportation, the same fees shall be allowed as in like cases upon the importation thereof.

Collectors may give further credit on bonds in cases of exportation.

*SEC. 61. And be it further enacted,* That if any goods, the duties upon which shall have been secured by bond, shall be re-exported by the importer or importers thereof, and if the said bond shall become due before the expiration of the time herein before limited for payment of the drawback upon such goods, it shall be lawful for the collector of the district from which the said goods shall have been exported, to give farther credit for so much of the sum due upon such bond, as shall be equal to

the amount of the said drawback, until the expiration of the said time limited for payment thereof.

And the better to secure the collection of the said duties,

SEC. 62. *Be it further enacted*, That the President of the United States be empowered to cause to be built and equipped, so many boats or cutters, not exceeding ten, as may be necessary to be employed for the protection of the revenue, the expense whereof shall not exceed ten thousand dollars, which shall be paid out of the product of the duties on goods, wares and merchandise, imported into the United States, and on the tonnage of ships or vessels.

President may order cutters to be built.

SEC. 63. *And be it further enacted*, That there shall be to each of the said boats or cutters, one master, and not more than three mates, first, second, and third, four mariners and two boys; and that the compensations and allowances to the said officers, mariners and boys respectively, shall be, to the master thirty dollars per month, and the subsistence of a captain in the army of the United States; to a first mate twenty dollars per month, to a second mate sixteen dollars per month, to a third mate fourteen dollars per month, and to every mate the subsistence of a lieutenant in the said army; to each mariner eight dollars per month, to each boy four dollars per month; and to each mariner and boy the same ration of provisions which is or shall be allowed to a soldier in the said army. The said allowances for subsistence to be paid in provisions or money at the contract prices, at the option of the Secretary of the Treasury.

How to be officered and manned.

Pay of officers, &c.

SEC. 64. *And be it further enacted*, That the officers of the said boats or cutters, shall be appointed by the President of the United States, and shall respectively be deemed officers of the customs, and shall have power and authority to go on board of every ship or vessel which shall arrive within the United States, or within four leagues of the coast thereof, if bound for the United States, and to search and examine the same and every part thereof, and to demand, receive and certify the manifests herein before required to be on board of certain ships or vessels, and to affix and put proper fastenings on the hatches and other communications with the holds of ships or vessels, and to remain on board the said ships or vessels until they arrive at their places of destination.

and to be appointed by the President.

Their duty.

SEC. 65. *And be it further enacted*, That the collectors of the respective districts may, with the approbation of the Secretary of the Treasury, provide and employ such small open row and sail boats in each district, together with the requisite number of persons to serve in them, as shall be necessary for the use of the surveyors and inspectors in going on board of ships and vessels and otherwise, for the better detection of frauds; the expense of which shall be defrayed out of the product of duties.

Collectors may employ row boats.

SEC. 66. *And be it further enacted*, That if any officer of the customs shall directly or indirectly take or receive any bribe, reward or recompense for conniving, or shall connive at any false entry of any ship or vessel, or of any goods, wares or merchandise, and shall be thereof convicted, every such officer shall forfeit and pay a sum not less than two hundred, nor more than two thousand dollars for each offence; and any person giving or offering any bribe, recompense or reward for any such deception, collusion or fraud, shall forfeit and pay a sum not less than two hundred, nor more than two thousand dollars for each offence. And in all cases where an oath is by this act required from a master or other person having command of a ship or vessel, or from an owner or consignee of goods, wares and merchandise, his or her factor or agent, if the person so swearing shall swear falsely, such person shall, on indictment and conviction thereof, be punished by fine or imprisonment, or both, in the discretion of the court before whom the conviction shall

Penalty on officers receiving a bribe, or conniving at a false entry.

On masters of vessels or others who shall take a false oath.

Mode of prosecuting and recovering penalties and forfeitures.

be had, so as the fine shall not exceed one thousand dollars, and the term of imprisonment shall not exceed twelve months.

SEC. 67. *And be it further enacted*, That all penalties accruing by any breach of this act, shall be sued for and recovered with costs of suit, in the name of the United States of America, in any court proper to try the same, and the trial of any fact which may be put in issue, shall be within the judicial district in which any such penalty shall have accrued, and the collector, within whose district the seizure shall be made, is hereby authorized and directed to cause suits for the same to be commenced and prosecuted to effect, and to receive, distribute and pay the sum or sums recovered, after first deducting all necessary costs and charges, according to law. And that all ships or vessels, goods, wares or merchandise, which shall become forfeited by virtue of this act, shall be seized, libelled and prosecuted as aforesaid, in the proper court having cognizance thereof; which court shall cause fourteen days notice to be given of such seizure and libel, by causing the substance of such libel, with the order of the court thereon, setting forth the time and place appointed for trial, to be inserted in some newspaper, published near the place of seizure, and also by posting up the same in the most public manner for the space of fourteen days, at or near the place of trial, for which advertisement a sum not exceeding ten dollars shall be paid; and proclamation shall be made in such manner as the court shall direct; and if no person shall appear to claim such ship or vessel, goods, wares or merchandise, the same shall be adjudged to be forfeited; but if any person shall appear before such judgment of forfeiture, and claim any such ship or vessel, goods, wares or merchandise, and shall give bond to defend the prosecution thereof, and to respond the cost in case he shall not support his claim, the court shall proceed to hear and determine the cause according to law: And upon the prayer of any claimant to the court, that any ship or vessel, goods wares or merchandise so seized and prosecuted, or any part thereof should be delivered to such claimant, it shall be lawful for the court to appoint three proper persons to appraise such ship or vessel, goods, wares or merchandise, who shall be sworn in open court for the faithful discharge of their duty; and such appraisement shall be made at the expense of the party on whose prayer it is granted; and on the return of such appraisement, if the claimant shall, with one or more sureties, to be approved of by the court, execute a bond in the usual form, to the United States, for the payment of a sum, equal to the sum at which the ship or vessel, goods, wares or merchandise, so prayed to be delivered, be appraised, the court shall by rule, order such ship or vessel, goods, wares or merchandise, to be delivered to the said claimant, and the said bond shall be lodged with the proper officer of the court; and if judgment shall pass in favour of the claimant, the court shall cause the said bond to be cancelled; but if judgment shall pass against the claimant, as to the whole or any part of such ship or vessel, goods, wares or merchandise, and the claimant shall not within twenty days thereafter, pay into the court the amount of the appraised value of such ship or vessel, goods, wares or merchandise so condemned, with the costs, the bond shall be put in suit. And when any prosecution shall be commenced on account of the seizure of any ship or vessel, goods, wares or merchandise, and judgment shall be given for the claimant or claimants; if it shall appear to the court before whom such prosecution shall be tried, that there was a reasonable cause of seizure, the same court shall cause a proper certificate or entry to be made thereof, and in such case the claimant shall not be entitled to costs, nor shall the person who made the seizure, or the prosecutor be liable to action, suit or judgment, on account of such seizure or prosecution. *Provided*, That the ship or vessel, goods, wares or merchandise be, after judgment, forthwith returned to such claimant or claimants, his, her or

their agents: *And provided*, That no action or prosecution shall be maintained in any case under this act, unless the same shall have been commenced, within three years next after the penalty of forfeiture was incurred.

SEC. 68. *And be it further enacted*, That all ships, vessels, goods, wares or merchandise, which shall be condemned by virtue of this act, shall be sold by the proper officer of the court in which such condemnation shall be had, to the highest bidder at public auction, by order of such court, and at such place as the court may appoint, giving at least fifteen days notice (except in case of perishable goods) in one or more of the public newspapers of the place where such sale shall be, or if no paper is published in such place, in one or more of the papers published in the nearest place thereto, for which advertising a sum not exceeding five dollars shall be paid.

Vessels or goods condemned, how to be sold.

SEC. 69. *And be it further enacted*, That all penalties, fines and forfeitures, recovered by virtue of this act, (and not otherwise appropriated) shall, after deducting all proper costs and charges, be disposed of as follows: One moiety shall be for the use of the United States, and paid into the treasury thereof; the other moiety shall be divided into equal parts, and paid to the collector and naval officer of the district, and surveyor of the port wherein the same shall have been incurred, or to such of the said officers as there may be in the said district; and in districts where only one of the aforesaid officers shall have been established, the said moiety shall be given to such officer: *Provided nevertheless*, That in all cases where such penalties, fines and forfeitures shall be recovered in pursuance of information given to such collector, by any person other than the naval officer or surveyor of the district, the one half of such moiety shall be given to the informer, and the remainder thereof shall be disposed of between the collector, naval officer and surveyor or surveyors, in manner aforesaid.

Appropriation of fines, penalties and forfeitures.

SEC. 70. *And be it further enacted*, That no goods, wares or merchandise of foreign growth or manufacture, subject to the payment of duties, shall be brought into the United States from any foreign port or place in any other manner than by sea, nor in any ship or vessel of less than thirty tons burthen, except within the district of Louisville, nor shall be landed or unladen at any other place than is by this act directed, under the penalty of seizure and forfeiture of all such vessels, and of the goods, wares or merchandise brought in, landed or unladen, in any other manner. And all goods, wares and merchandise brought into the United States by land, contrary to this act, shall be forfeited, together with the carriages, horses and oxen that shall be employed in conveying the same; provided nothing herein shall be construed to extend to household furniture and clothing, belonging to any person or persons actually removing into any part of the United States, for the purpose of becoming an inhabitant or inhabitants thereof.

Dutiable goods of foreign growth or manufacture brought into the United States, except by sea and in certain vessels, subject to forfeiture.

SEC. 71. *And be it further enacted*, That all matters by this act directed to be done to or by the collector of a district, shall and may be done to and by the person who, in the cases specified in this act, is or may be authorized to act in the place or stead of the said collector.

Collectors may act by deputies.

SEC. 72. *And be it further enacted*, That wherever an oath is required by this act, persons conscientiously scrupulous shall be permitted to affirm.

Affirmation may be taken instead of an oath.

SEC. 73. *And be it further enacted*, That the master or person having the charge or command of a ship or vessel bound to a foreign port or place, shall deliver to the collector of the district from which such ship or vessel shall be about to depart, a manifest of the cargo on board the same, and shall make oath or affirmation to the truth thereof, whereupon the said collector shall grant a clearance for the said ship or vessel, and her cargo, but without specifying the particulars thereof, unless

Vessels bound to foreign ports to deliver manifests of their cargoes.

Penalty for neglect of clearance.

Former acts repealed.

Exceptions.

Declaration respecting the ruble of Russia.

Act of July 31, 1789, ch. 5, sec. 10. Act of Sept. 29, 1789, ch. 22.

required by the said master or person having said charge or command. And if any ship or vessel bound to a foreign port or place, shall depart on her voyage to such foreign port or place without such clearance, the said master or person having the said charge or command, shall forfeit and pay the sum of two hundred dollars for such offence.

SEC. 74. *And be it further enacted*, That after the first day of October next, the act, intituled "An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares and merchandises imported into the United States," and also all other acts or parts of acts coming within the purview of this act, shall be repealed, and thenceforth cease to operate, except as to the continuance of the officers appointed in pursuance of the said act; except also as to the recovery and receipt of such duties on goods, wares and merchandise, and on the tonnage of ships or vessels, as shall have accrued, and as to the payment of drawbacks and allowances in lieu thereof, upon the exportation of goods, wares or merchandise which shall have been imported, and as to the recovery and distribution of fines, penalties and forfeitures which shall have been incurred before or upon the said day, subject nevertheless to the alterations contained and expressed in this present act.

And whereas by the act, intituled "An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares and merchandises imported into the United States," it was declared that the ruble of Russia should be rated at one hundred cents, and by the act, intituled "An act to explain and amend an act, intituled 'An act for registering and clearing vessels, regulating the coasting trade, and for other purposes,'" that part of the said first mentioned act which so rated the ruble of Russia was repealed and made null and void. And whereas it is doubted whether the said repeal can operate with respect to duties incurred prior thereto, as was intended by Congress:

SEC. 75. *Therefore be it enacted and declared*, That the said repeal shall be deemed to operate in respect to all duties which may have arisen or accrued prior thereto.

APPROVED, August 4, 1790.

## STATUTE II.

August 4, 1790.

CHAP. XXXVI.—*An Act to continue in force for a limited time, an act intituled "An act for the temporary establishment of the Post-Office."*

[Expired.]

Former act declared in force till the next session, March 4, 1791.

1791, ch. 23.  
1792, ch. 16.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the act passed the last session of Congress, intituled "An act for the temporary establishment of the post-office," be, and the same hereby is continued in force until the end of the next session of Congress, and no longer.

APPROVED, August 4, 1790.

## STATUTE II.

August 5, 1790.

CHAP. XXXVIII.—*An Act to provide more effectually for the settlement of the Accounts between the United States and the individual States.*

[Expired.]

Board of three commissioners to be appointed.

Act of August 5, 1789, ch. 6.

1792, ch. 5.

Who are to take an oath;

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That a board, to consist of three commissioners, be, and hereby is established to settle the accounts between the United States, and the individual states; and the determination of a majority of the said commissioners on the claims submitted to them, shall be final and conclusive; and they shall have power to employ such number of clerks as they may find necessary.

SEC. 2. *And be it further enacted*, That the said commissioners shall respectively take an oath or affirmation before the chief justice of the

United States, or one of the associate or district judges, that they will faithfully and impartially execute the duties of their office. And they shall each of them be entitled to receive at the rate of two thousand two hundred and fifty dollars per annum, payable quarter yearly at the treasury of the United States, for their respective services.

their salary.

SEC. 3. *And be it further enacted*, That it shall be the duty of the said commissioners to receive and examine all claims which shall be exhibited to them before the first day of July, one thousand seven hundred and ninety-one, and to determine on all such as shall have accrued for the general or particular defence during the war, and on the evidence thereof, according to the principles of general equity (although such claims may not be sanctioned by the resolves of Congress, or supported by regular vouchers), so as to provide for the final settlement of all accounts between the United States and the states individually; but no evidence of a claim heretofore admitted by a commissioner of the United States for any state or district, shall be subject to such examination; nor shall the claim of any citizen be admitted as a charge against the United States in the account of any state, unless the same was allowed by such state before the twenty-fourth day of September, one thousand seven hundred and eighty-eight.

Mode of procedure in examining claims.

SEC. 4. *And be it further enacted*, That it shall be the duty of the said commissioners to examine and liquidate to specie value, on principles of equity, the credits and debits of the states already on the books of the treasury for bills of credit subsequent to the eighteenth of March, one thousand seven hundred and eighty.

To liquidate to specie value credits and debits of certain states.

SEC. 5. *And be it further enacted*, That the commissioners shall debit each state with all advances which have been, or may be made to it by the United States, and with the interest thereon to the last day of the year one thousand seven hundred and eighty-nine, and shall credit each state for its disbursements and advances on the principles contained in the third section of this act, with interest to the day aforesaid, and having struck the balance due to each state, shall find the aggregate of all the balances, which aggregate shall be apportioned between the states agreeably to the rule herein after given; and the difference between such apportionments, and the respective balances, shall be carried in a new account to the debit or credit of the states respectively, as the case may be.

On the final settlement, aggregate of all the balances to be apportioned between the states.

SEC. 6. *And be it further enacted*, That the rule for apportioning to the states the aggregate of the balances first above mentioned, shall be the same that is prescribed by the constitution of the United States, for the apportionment of representation and direct taxes, and according to the first enumeration which shall be made.

The rule of apportionment.

SEC. 7. *And be it further enacted*, That the states who shall have balances placed to their credit on the books of the treasury of the United States, shall, within twelve months after the same shall have been so credited, be entitled to have the same funded upon the same terms with the other part of the domestic debt of the United States; but the balances so credited to any state shall not be transferable.

Creditor states to have their balances funded.

SEC. 8. *And be it further enacted*, That the clerks employed, or to be employed by the said commissioners, shall receive like salaries as clerks employed in the treasury department.

Salaries of the clerks.

SEC. 9. *And be it further enacted*, That the powers of the said commissioners shall continue until the first day of July, one thousand seven hundred and ninety-two, unless the business shall be sooner accomplished.

Continuance of the commissioners' powers.

APPROVED, August 5, 1790.

## STATUTE II.

August 10, 1790.

[Obsolete.]

Recital.

Act of July 4,  
1789, ch. 2.

From and after the first of December next, the present duties on certain specified articles to cease, and other duties imposed in lieu thereof.

CHAP. XXXIX.—*An Act making further provision for the payment of the debts of the United States.*

WHEREAS, by an act, intituled "An act for laying a duty on goods, wares and merchandises imported into the United States," divers duties were laid on goods, wares and merchandise so imported, for the discharge of the debts of the United States, and the encouragement and protection of manufactures: And whereas the support of government and the discharge of the said debts, render it necessary to increase the said duties:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the last day of December next, the duties specified and laid in and by the act aforesaid, shall cease and determine; and that upon all goods, wares and merchandise (not herein particularly excepted) which after the said day shall be brought into the United States, from any foreign port or place, there shall be levied, collected and paid the several and respective duties following, that is to say: Madeira wine of the quality of London particular, per gallon, thirty-five cents; other Madeira wine, per gallon, thirty cents; Sherry wine, per gallon, twenty-five cents; other wines, per gallon, twenty cents; distilled spirits, if more than ten per cent. below proof, according to Dycas's hydrometer, per gallon, twelve cents; if more than five, and not more than ten per cent. below proof, according to the same hydrometer, per gallon, twelve and an half cents; if of proof, and not more than five per cent. below proof, according to the same hydrometer, per gallon, thirteen cents; if above proof, but not exceeding twenty per cent. according to the same hydrometer, per gallon, fifteen cents; if of more than twenty, and not more than forty per cent. above proof, according to the same hydrometer, per gallon, twenty cents; if of more than forty per cent. above proof, according to the same hydrometer, per gallon, twenty-five cents; molasses, per gallon, three cents; beer, ale and porter in casks, per gallon, five cents; beer, ale and porter in bottles, per dozen, twenty cents. Teas from China and India, in ships or vessels of the United States, bohea, per pound, ten cents; souchong and other black teas, per pound, eighteen cents; hyson, per pound, thirty-two cents; other green teas, per pound, twenty cents: Teas from Europe, in ships or vessels of the United States, bohea, per pound, twelve cents; souchong and other black teas, per pound, twenty-one cents; hyson, per pound, forty cents; other green teas, per pound, twenty-four cents: Teas from any other place, or in any other ships or vessels, bohea, per pound, fifteen cents; souchong and other black teas, per pound, twenty-seven cents; hyson, per pound, fifty cents; other green teas, per pound, thirty cents; coffee, per pound, four cents; cocoa, per pound, one cent; loaf sugar, per pound, five cents; brown sugar, per pound, one and an half cent; other sugar, per pound, two and an half cents; candles of tallow, per pound, two cents; candles of wax or spermaceti, per pound, six cents; cheese, per pound, four cents; soap, per pound, two cents; pepper, per pound, six cents; pimento, per pound, four cents; manufactured tobacco, per pound, six cents; snuff, per pound, ten cents; indigo, per pound, twenty-five cents; cotton, per pound, three cents; nails and spikes, per pound, one cent; bar and other lead, per pound, one cent; steel unwrought, per one hundred and twelve pounds, seventy-five cents; hemp, per one hundred and twelve pounds, fifty-four cents; cables, per one hundred and twelve pounds, one hundred cents; tarred cordage, per one hundred and twelve pounds, one hundred cents; untarred cordage and yarn, per one hundred and twelve pounds, one hundred and fifty cents; twine and pack thread, per one hundred and twelve pounds, three hundred cents; salt, per bushel, twelve cents; malt, per bushel, ten cents; coal,

per bushel, three cents; boots, per pair, fifty cents; shoes, slippers and goloshoes, made of leather, per pair, seven cents; shoes and slippers, made of silk or stuff, per pair, ten cents; wool and cotton cards, per dozen, fifty cents; playing cards, per pack, ten cents; all China ware, looking glasses, window and other glass, and all manufactures of glass, (black quart bottles excepted) twelve and an half per centum ad valorem; marble, slate and other stones, bricks, tiles, tables, mortars and other utensils of marble or slate, and generally all stone and earthen ware, blank books, writing paper, and wrapping paper, paper hangings, pasteboards, parchment and vellum, pictures and prints, painters' colors, including lampblack, except those commonly used in dyeing, gold, silver and plated ware, gold and silver lace, jewellery and paste work, clocks and watches, shoe and knee buckles, grocery, (except the articles before enumerated) namely, cinnamon, cloves, mace, nutmegs, ginger, anniseed, currants, dates, figs, plums, prunes, raisins, sugar candy, oranges, lemons, limes, and generally all fruits and comfits, olives, capers and pickles of every sort, oil, gun-powder, mustard in flour, ten per centum ad valorem; cabinet wares, buttons, saddles, gloves of leather, hats of beaver, felt, wool, or a mixture of any of them, millinery ready made, castings of iron, and slit and rolled iron, leather tanned or tawed, and all manufactures of which leather is the article of chief value, except such as are herein otherwise rated, canes, walking sticks and whips, clothing ready made, brushes, anchors, all wares of tin, pewter, or copper, all or any of them, medicinal drugs, except those commonly used in dyeing, carpets and carpeting, all velvets, velverets, satins and other wrought silks, cambrics, muslins, muslinets, lawns, laces, gauzes, chintzes, and colored calicoes, and nankeens, seven and an half per centum ad valorem. All goods, wares and merchandise imported directly from China or India in ships or vessels not of the United States, teas excepted, twelve and an half per centum ad valorem. All coaches, chariots, phaetons, chaises, chairs, solos or other carriages, or parts of carriages, fifteen and an half per centum ad valorem; and five per centum ad valorem upon all other goods, wares and merchandise, except bullion, tin in pigs, tin plates, old pewter, brass teutenague, iron and brass wire, copper in plates, saltpetre, plaister of Paris, wool, dyeing woods, and dyeing drugs, raw hides and skins, undressed furs of every kind, the sea stores of ships or vessels, the clothes, books, household furniture, and the tools or implements of the trade or profession of persons who come to reside in the United States, philosophical apparatus, specially imported for any seminary of learning, all goods intended to be re-exported to a foreign port or place, in the same ship or vessel in which they shall be imported, and generally, all articles of the growth, product or manufactures of the United States.

SEC. 2. *And be it further enacted*, That an addition of ten per centum shall be made to the several rates of duties above specified and imposed, in respect to all goods, wares and merchandise, which, after the said last day of December next, shall be imported in ships or vessels not of the United States, except in the cases in which an additional duty is herein before specially laid on any goods, wares, or merchandises, which shall be imported in such ships or vessels.

SEC. 3. *And be it further enacted*, That all duties which shall be paid or secured to be paid by virtue of this act, shall be returned or discharged in respect to all such goods, wares or merchandise, whereupon they shall have been so paid, or secured to be paid, as, within twelve calendar months after payment made or security given, shall be exported to any foreign port or place, except one per centum on the amount of the said duties, which shall be retained as an indemnification for whatever expense may have accrued concerning the same.

SEC. 4. *And be it further enacted*, That there shall be allowed and

Also on certain other articles certain rates per centum ad valorem.

Also an additional duty of ten per centum on all the rates of duty before specified.

Drawback for goods exported within twelve months.



Bounty on exportation of dried or pickled fish, and salted provisions.

paid on dried and pickled fish, of the fisheries of the United States, and on other provisions salted within the said states, which, after the said last day of December next, shall be exported therefrom to any foreign port or place, in lieu of a drawback of the duty on the salt which shall have been expended thereupon, according to the following rates—namely: Dried fish, per quintal, ten cents; pickled fish and other salted provisions, per barrel, ten cents.

Duties or drawback on a specific quantity of goods, to apply in proportion as to other quantities.

SEC. 5. *And be it further enacted*, That where duties by this act are imposed, or drawbacks allowed on any specific quantity of goods, wares and merchandise, the same shall be deemed to apply in proportion to any quantity, more or less, than such specific quantity.

Duties accruing within a certain time remitted.

SEC. 6. *And be it further enacted*, That all the duties which, by virtue of the act, intituled "An act for laying a duty on goods, wares and merchandises imported into the United States," accrued between the time specified in the said act for the commencement of the said duties, and the respective times when the collectors entered upon the duties of their respective offices in the several districts, be, and they are hereby remitted and discharged, and that in any case in which they may have been paid to the United States, restitution thereof shall be made.

Act of July 4, 1789, ch. 2.

Continuance of the duty by this act imposed.

SEC. 7. *And be it further enacted*, That the several duties imposed by this act shall continue to be collected and paid, until the debts and purposes for which they are pledged and appropriated, shall be fully discharged: *Provided*, That nothing herein contained shall be construed to prevent the legislature of the United States from substituting other duties or taxes of equal value to any or all of the said duties and imposts.

APPROVED, August 10, 1790.

## STATUTE II.

August 10, 1790.

Act of June 9, 1794, ch. 62.

CHAP. XL.—*An Act to enable the Officers and Soldiers of the Virginia Line on continental Establishment, to obtain Titles to certain Lands lying northwest of the River Ohio, between the Little Miami and Sciota.*(a)

[Repealed.]

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the act of Congress of the seventeenth of July, one thousand seven hundred and eighty-eight, relative to certain locations and surveys made by, or on account of the Virginia troops on continental establishment upon lands between the Little Miami and Sciota rivers, northwest of the Ohio, be, and the same is hereby repealed.(b)

(a) The acts relative to Virginia land warrants, and the regulations and locations thereof, have been: Act of August 10, 1790, chap. 40; act of June 9, 1794, chap. 62; act of May 13, 1800, chap. 59; act of April 26, 1802, chap. 30; act of March 2, 1807, chap. 21; act of March 16, 1810, chap. 23; act of June 26, 1812, chap. 109; act of November 3, 1814, chap. 2; act of February 22, 1815, chap. 48; act of April 11, 1818, chap. 43; act of February 9, 1821, chap. 10; act of May 20, 1826, chap. 138; act of April 23, 1830, chap. 73; act of May 30, 1830, chap. 215; act of July 13, 1832, chap. 209; act of March 2, 1833; act of March 31, 1832, chap. 157; act of July 7, 1838, chap. 116.

(b) Under the reserve contained in the cession act of Virginia, and under the act of Congress of August 10, 1790, and of June 9, 1794, the whole country lying between the Sciota and Little Miami rivers, was subjected to the military warrants, to satisfy which the reserve was made. *Doddridge v. Thompson*, 9 Wheat. 469; 5 Cond. Rep. 645.

The reservation made by the law of Virginia of 1783, ceding to Congress the territory northwest of the river Ohio, is not a reservation of the whole tract of country between the rivers Sciota and Little Miami. It is a reservation of only so much as may be necessary to make up the deficiency of good lands set apart for the officers and soldiers of the Virginia line on the continental establishment, on the southeast side of the Ohio. The residue of the lands are ceded to the United States, as a common fund for those States who were, or might become members of the Union, to be disposed of for that purpose. *Jackson v. Clarke et al.*, 1 Peters. 635.

Although the military rights constituted the primary claim upon the trust, that claim was according to the intention of the parties so to be satisfied as still to keep in view the interests of the Union, which were also a vital object of the trust. This was only to be effected by prescribing the time in which the lands to be appropriated by those claimants, were to be separated from the general mass, so as to enable the government to apply the residue to the general purposes of the trust. *Ibid.*

If the right existed in Congress to prescribe a time within which military warrants should be located, the right to connect conditions to its extension, follows as a necessary consequence. *Ibid.*

And whereas the agents for such of the troops of the state of Virginia, who served on the continental establishment in the army of the United States, during the late war, have reported to the executive of the said state, that there is not a sufficiency of good land on the south-easterly side of the river Ohio, according to the act of cession from the said state to the United States, and within the limits assigned by the laws of the said state, to satisfy the said troops for the bounty lands due to them, in conformity to the said laws: to the intent therefore that the difference between what has already been located for the said troops, on the south-easterly side of the said river, and the aggregate of what is due to the whole of the said troops, may be located on the north-westerly side of the said river, and between the Sciota and Little Miami rivers, as stipulated by the said state:

Recital.

SEC. 2. *Be it further enacted*, That the secretary of the department of war shall make return to the executive of the state of Virginia of the names of such of the officers, non-commissioned officers and privates of the line of the said state, who served in the army of the United States, on the continental establishment, during the late war, and who, in conformity to the laws of the said state, are entitled to bounty lands; and shall also in such return state the aggregate amount in acres due to the said line by the laws aforesaid.

Secretary at war to make return to the executive of Virginia of those entitled to bounty lands.

SEC. 3. *And be it further enacted*, That it shall and may be lawful for the said agents to locate to and for the use of the said troops, between the rivers Sciota and Little Miami, such a number of acres of good land as shall, together with the number already located between the said two rivers, and the number already located on the south-easterly side of the river Ohio, be equal to the aggregate amount, so to be returned as aforesaid by the secretary of the department of war.

Agents to locate certain tracts for the use of the troops;

SEC. 4. *And be it further enacted*, That the said agents, as soon as may be after the locations, surveys and allotments are made and completed, shall enter in regular order, in a book to be by them provided for that purpose, the bounds of each location and survey between the said two rivers, annexing the name of the officer, non-commissioned officer or private originally entitled to each; which entries being certified by the said agents or the majority of them, to be true entries, the book containing the same shall be filed in the office of the Secretary of State.

and to enter in a book the bounds of each location and survey.

SEC. 5. *And be it further enacted*, That it shall be lawful for the President of the United States to cause letters patent to be made out in such words and form as he shall devise and direct, granting to such person so originally entitled to bounty lands, to his use, and to the use of his heirs or assigns, or his or their legal representative or representatives, his, her or their heirs or assigns, the lands designated in the said entries: *Provided always*, That before the seal of the United States shall be affixed to such letters patent, the secretary of the department of war shall have indorsed thereon that the grantee therein named, was originally entitled to such bounty lands, and that he has examined the bounds thereof with the book of entries filed in the office of the Secretary of State, and finds the same truly inserted; and every such letters patent shall be countersigned by the Secretary of State, and a minute of the date thereof, and of the name of the grantee shall be entered of record in his office, in a book to be specially provided for the purpose.

President to cause letters patent to be made out to those entitled to bounty lands.

SEC. 6. *And be it further enacted*, That it shall be the duty of the Secretary of State, as soon as may be after the letters patent shall

Under the peculiar system of the Virginia land law, as it has been settled in Kentucky, and in the Virginia military district in Ohio, by usages adapted to the circumstances of the country, many principles have been established which are unknown to the common law. A long course of adjudication has fixed those principles, and they are to be considered as the settled rules by which those military titles are to be governed. *Galt v. Galloway*, 4 Peters, 334.

Secretary of State to transmit the same to the executive of Virginia.

Act of June 9, 1794, ch. 62.

Letters patent obtained without fees.

be so completed and entered of record, to transmit the same to the executive of the state of Virginia, to be by them delivered to each grantee; or in case of his death, or that the right of the grantees shall have been legally transferred before such delivery, then to his legal representative or representatives, or to one of them.

SEC. 7. *And be it further enacted*, That no fees shall be charged for such letters patent and record, to the grantees, their heirs or assigns, or to his or their legal representative or representatives.

APPROVED, August 10, 1790.

#### STATUTE II.

August 10, 1790.

CHAP. XLI.—*An Act authorizing the Secretary of the Treasury to finish the Lighthouse on Portland Head, in the District of Maine.*

\$1500 appropriated.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there be appropriated and paid out of the monies arising from the duties on imports and tonnage, a sum not exceeding fifteen hundred dollars, for the purpose of finishing the lighthouse on Portland Head, in the district of Maine; and that the Secretary of the Treasury, under the directions of the President of the United States, be authorized to cause the said lighthouse to be finished and completed accordingly.

APPROVED, August 10, 1790.

#### STATUTE II.

August 11, 1790.

CHAP. XLII.—*An Act to alter the Times for holding the Circuit Courts of the United States in the Districts of South Carolina and Georgia, and providing that the District Court of Pennsylvania shall in future be held at the city of Philadelphia only.*

[Obsolete.]

1794, ch. 64.

Circuit courts when and where to be held.

South Carolina 1789, ch. 20, sec. 5.

Georgia 1789, ch. 20, sec. 5.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the circuit courts of the United States in the districts of South Carolina and Georgia, shall for the future be held as follows, to wit: In the district of South Carolina on the twenty-fifth day of October next, at Charleston, and in each succeeding year at Columbia, on the twelfth day of May, and in Charleston on the twenty-fifth day of October; in the district of Georgia on the fifteenth day of October next, at Augusta, and in each succeeding year at Savannah, on the twenty-fifth day of April, and at Augusta on the fifteenth day of October; except when any of those days shall happen to be Sunday, in which case the court shall be held on the Monday following. And all process that was returnable under the former law at Charleston, on the first day of October next, and at Augusta on the seventeenth day of October, shall now be deemed returnable respectively at Charleston on the twenty-fifth day of October next, and at Augusta on the fifteenth day of October next; any thing in the former law to the contrary notwithstanding.

SEC. 2. *And be it further enacted*, That so much of the act, entitled "An act to establish the judicial courts of the United States," as directs that the district court for the district of Pennsylvania shall be held at Yorktown in the said state, be repealed; and that in future the district court for Pennsylvania be held in the city of Philadelphia.

APPROVED, August 11, 1790.

#### STATUTE II.

August 11, 1790.

CHAP. XLIII.—*An Act declaring the assent of Congress to certain acts of the states of Maryland, Georgia, and Rhode Island and Providence Plantations.*

1792, ch. 10.  
[Expired.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the consent of Congress be, and is hereby declared to the operation of the acts of the

several states herein after mentioned, so far as the same relate to the levying a duty on the tonnage of ships and vessels for the purposes therein mentioned until the tenth day of January next—that is to say: an act of the General Assembly of the state of Rhode Island and Providence Plantations, at their session held in January, one thousand seven hundred and ninety, intituled “An act to incorporate certain persons by the name of the River Machine Company, in the town of Providence, and for other purposes therein mentioned;” and also, an act of the General Assembly of the state of Maryland, at their session in April, one thousand seven hundred and eighty-three, intituled “An act appointing wardens for the port of Baltimore-town in Baltimore county;” as also, another act of the General Assembly of the same state, passed at their session in November, one thousand seven hundred and eighty-eight, intituled “A supplement to the act intituled, An act appointing wardens for the port of Baltimore-town in Baltimore county;” and also, an act of the state of Georgia, “for levying and appropriating a duty on tonnage, for the purpose of clearing the river Savannah, and removing the wrecks and other obstructions therein.”

APPROVED, August 11, 1790.

Act of May 13, 1796.

[Expired.]  
Certain acts of several states, that relate to the tonnage of vessels declared to be in operation till the tenth of January next.

The act of August 11, 1790, ch. 45, is inserted among the private laws.

#### STATUTE II.

August 12, 1790.

[Obsolete.]

Sum granted to A. Skinner, and

T. Pickering ;

and for purposes estimated in a report of the Secretary of the Treasury.

#### CHAP. XLVI.—*An Act making certain Appropriations therein mentioned.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there be appropriated to the purposes herein after mentioned, to be paid out of the monies arising from the duties on goods, wares and merchandise imported, and on the tonnage of ships or vessels, the following sums—to wit: The sum of thirty-eight thousand eight hundred and ninety-two dollars and seventy-five cents, towards discharging certain debts contracted by Abraham Skinner, late commissary of prisoners, on account of the subsistence of the officers of the late army while in captivity: The sum of forty thousand dollars, towards discharging certain debts contracted by colonel Timothy Pickering, late quartermaster general, and which sum was included in the amount of a warrant drawn in his favour by the late superintendent of the finances of the United States, and which warrant was not discharged: The sum of one hundred and four thousand three hundred and twenty-seven dollars and twenty-two cents, for the several purposes specified in an estimate accompanying the report of the Secretary of the Treasury of the fifth instant, including one thousand dollars for defraying the expenses of certain establishments for the security of navigation of the like nature with those mentioned in the act, intituled “An act for the establishment and support of light-houses, beacons, buoys and public piers,” but not particularly specified therein: The sum of one hundred and eighty-one dollars and forty-two cents, for reimbursing the Secretary at War an advance by him made on account of George Morgan White Eyes, over and above the sum heretofore appropriated on account of the said George Morgan White Eyes: The sum of six hundred and thirty-two dollars and eighty cents, for the services and expenses of Isaac Guion, employed by direction of the President of the United States, in relation to the resolution of Congress of the twenty-sixth of August last: The sum of forty-one dollars and forty-seven cents, for reimbursing the treasurer of the United States the costs by him paid on a protested bill: The sum of two hundred and fifty dollars, for the salary of an interpreter of the French language, employed in the department of state: The sum of three hundred and twenty-six dollars and six cents, for sundry expenditures by Richard Phillips, on account of the household of the late President of Congress, and for certain unsatisfied claims against the same: The sum of seven

hundred and fifty dollars, towards compensating the late loan officer of Pennsylvania, for his services in relation to the re-exchange of certificates granted by the state of Pennsylvania, in lieu of certificates of the United States; which several sums so included in the said sum of one hundred and four thousand three hundred and twenty-seven dollars and twenty-two cents, are hereby authorized and granted: And the farther sum of fifty thousand dollars, towards discharging such demands on the United States, not otherwise provided for, as shall have been ascertained and admitted in due course of settlement at the treasury, and which are of a nature according to the usage thereof, to require payment in specie.

APPROVED, August 12, 1790.

## STATUTE II.

August 12, 1790. CHAP. XLVII.—*An Act making Provision for the Reduction of the Public Debt.*

Act of March,  
3, 1791, ch. 25.  
Act of May 8,  
1792, ch. 38.  
Recital.

The surplus of  
the product of  
duties on goods  
and tonnage to  
December next,  
to be applied to  
the purchase of  
the public debt.

By whose di-  
rection purcha-  
ses are to be  
made; and

in what man-  
ner.

The account  
of purchasing to  
be settled as  
other public ac-  
counts.

Report of pro-  
ceedings to be  
laid before Con-  
gress.

It being desirable by all just and proper means, to effect a reduction of the amount of the public debt, and as the application of such surplus of the revenue as may remain after satisfying the purposes for which appropriations shall have been made by law, will not only contribute to that desirable end, but will be beneficial to the creditors of the United States, by raising the price of their stock, and be productive of considerable saving to the United States:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all such surplus of the product of the duties on goods, wares and merchandise imported, and on the tonnage of ships or vessels to the last day of December next, inclusively, as shall remain after satisfying the several purposes for which appropriations shall have been made by law to the end of the present session, shall be applied to the purchase of the debt of the United States, at its market price, if not exceeding the par or true value thereof.

SEC. 2. *And be it further enacted,* That the purchases to be made of the said debt, shall be made under the direction of the President of the Senate, the Chief Justice, the Secretary of State, the Secretary of the Treasury, and the Attorney General for the time being; and who, or any three of whom, with the approbation of the President of the United States, shall cause the said purchases to be made in such manner, and under such regulations as shall appear to them best calculated to fulfill the intent of this act: *Provided,* That the same be made openly, and with due regard to the equal benefit of the several states: *And provided further,* That to avoid all risk or failure, or delay in the payment of interest stipulated to be paid for and during the year one thousand seven hundred and ninety-one, by the act, intituled "An act making provision for the debt of the United States," such reservations shall be made of the said surplus as may be necessary to make good the said payments, as they shall respectively become due, in case of deficiency in the amount of the receipts into the treasury during the said year, on account of the duties on goods, wares and merchandise imported, and the tonnage of ships or vessels, after the last day of December next.

SEC. 3. *And be it further enacted,* That accounts of the application of the said monies shall be rendered for settlement as other public accounts, accompanied with returns of the amount of the said debt purchased therewith, at the end of every quarter of a year, to be computed from the time of commencing the purchases aforesaid: and that a full and exact report of the proceedings of the said five persons, or any three of them, including a statement of the disbursements and purchases made under their direction, specifying the times thereof, the prices at which, and the parties from whom the same may be made, shall be laid

before Congress, within the first fourteen days of each session which may ensue the present, during the execution of their said trust.

SEC. 4. *And be it further enacted*, That the President of the United States be, and he is hereby authorized to cause to be borrowed, on behalf of the United States, a sum or sums not exceeding in the whole two millions of dollars, at an interest not exceeding five per cent., and that the sum or sums so borrowed, be also applied to the purchase of the said debt of the United States, under the like direction, in the like manner, and subject to the like regulations and restrictions with the surplus aforesaid: *Provided*, That out of the interest arising on the debt to be purchased in manner aforesaid, there shall be appropriated and applied a sum not exceeding the rate of eight per centum per annum on account both of principal and interest towards the repayment of the two millions of dollars so to be borrowed.

APPROVED, August 12, 1790.

President authorized to borrow two millions of dollars,

to be applied to the purchase of the debt.

Act of May 8, 1792, ch. 38, sec. 7.

Act of March 3, 1796, ch. 45, sec. 7.

## RESOLUTIONS.

I. *RESOLVED by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be requested to cause to be forthwith transmitted to the executives of the states of Virginia and North Carolina, a complete list of the officers, non-commissioned officers and privates of the lines of those states respectively, who are entitled to receive arrears of pay due for services in the years one thousand seven hundred and eighty-two, and one thousand seven hundred and eighty-three, annexing the particular sum that is due to each individual, with a request to the executives of the said states, to make known to the claimants in the most effectual manner, that the said arrears are ready to be discharged on proper application.

June 7, 1790.

That the President of the United States be requested to cause the Secretary of the Treasury to take the necessary steps for paying (within the said states respectively) the money appropriated by Congress, on the twenty-ninth day of September, one thousand seven hundred and eighty-nine, for the discharging the arrears of pay due to the troops of the lines of the said states respectively.

That the Secretary of the Treasury, in cases where the payment has not been made to the original claimant in person, or his representative, be directed to take order for making the payment to the original claimant, or to such person or persons only as shall produce a power of attorney, duly attested by two justices of the peace of the county in which such person or persons reside, authorizing him or them to receive a certain specified sum: except where certificates or warrants have been issued under authority of the United States for any of the said arrears of pay, and the same shall be produced by the claimant or claimants.

APPROVED, June 7, 1790.

II. *RESOLVED by the Senate and House of Representatives of the United States of America in Congress assembled*, That all treaties made, or which shall be made and promulgated, under the authority of the United States, shall, from time to time, be published and annexed to their code of laws, by the Secretary of State.

APPROVED, June 14, 1790.

III. *RESOLVED by the Senate and House of Representatives of the United States of America in Congress assembled*, That the clerks in the office of the commissioner of army accounts are entitled to receive, for their services, a sum not exceeding five hundred dollars, to be paid in the same manner, and at the same rate, as the salary allowed to the clerks in the department of treasury: and that the auditor and comptroller be authorized to adjust the accounts of the clerks in the said office, upon the same principles as those of the treasury department, agreeably to the appropriation by law.

APPROVED, August 2, 1790.

IV. *RESOLVED by the Senate and House of Representatives of the United States of America in Congress assembled*, That the expense of procuring seals for the supreme, circuit, and district courts of the United States, shall be defrayed out of the money appropriated, by an act of the present session, for defraying the contingent charges of government.

APPROVED, August 2, 1790.

V. *RESOLVED by the Senate and House of Representatives of the United States of America in Congress assembled*, That all surveys of lands in the Western Territory, made under the direction of the late geographer, Thomas Hutchins, agreeable to contracts for part of the said lands made with the late board of treasury, be returned to, and perfected by, the Secretary of the Treasury, so as to complete the said contracts: and that the said secretary be, and is hereby, authorized to direct the making and completing any other surveys that remain to be made, so as to comply on the part of the United States with the several contracts aforesaid, in conformity to the terms thereof.

APPROVED, August 12, 1790.

# ACTS OF THE FIRST CONGRESS

OF THE

## UNITED STATES,

*Passed at the third session, which was begun and held at the City of Philadelphia, in the State of Pennsylvania, on Monday, the sixth day of December, 1790, and ended on the third day of March, 1791.*

GEORGE WASHINGTON, President, JOHN ADAMS, Vice President of the United States, and President of the Senate, FREDERICK AUGUSTUS MUHLENBERG, Speaker of the House of Representatives.

### STATUTE III.

Dec. 27, 1790.

CHAPTER I.—*An Act supplementary to the act intituled "An act making further provision for the payment of the debts of the United States."*

[Obsolete.]  
Recital.

Provisions of the act for collection of duties, extended to the act making further provision for the payment of the debts of the United States.

WHEREAS no express provision has been made for extending the act, intituled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares and merchandise imported into the United States, and on the tonnage of ships or vessels," to the collection of the duties imposed by the said "Act making further provision for the payment of the debts of the United States," doubts concerning the same may arise: (a)—Therefore, *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the act, intituled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares and merchandise imported into the United States, and on the tonnage of ships or vessels," doth and shall extend to, and be in force for the collection of the duties specified and laid in and by the act, intituled "An act making further provision for the payment of the debts of the United States," as fully and effectually, as if every regulation, restriction, penalty, provision, clause, matter and thing therein contained, had been inserted in and re-enacted by the act last aforesaid.

APPROVED, December 27, 1790.

### STATUTE III.

Jan. 7, 1791.

CHAP. II.—*An Act to provide for the unlading of ships or vessels, in cases of obstruction by ice.*

[Obsolete.]  
Act of March 2, 1799, ch. 22, sec. 85.

In cases of obstruction by ice, collector may receive entry at any other place within his district.

WHEREAS it sometimes happens, that ships or vessels are obstructed by ice in their passage to the ports of their destination, and it is necessary that provision should be made for unlading such ships or vessels:

SECTION I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in all cases where a ship or vessel shall be prevented by ice from getting to the port at which her cargo is intended to be delivered, it shall be lawful for the collector of the district, in which such ship or vessel may be so obstructed, to receive the report and entry of any such ship or vessel, and with the consent of the naval officer (where there is one) to grant a permit or permits for unlading or landing the goods, wares or merchandise imported in such ship or vessel at any place within his district, which shall appear to him to be most convenient and proper.

(a) Act of August 4, 1790, chap. 35; act of August 10, 1790, chap. 39; act of August 12, 1790, chap. 47; act of May 8, 1792, chap. 38; act of May 30, 1794, chap. 36; act of January 28, 1795, chap. 13; act of February 19, 1796, chap. 2; act of March 3, 1797, chap. 14.

SEC. 2. *And be it further enacted*, That the report and entry of such ship or vessel, and of her cargo, or any part thereof, and all persons concerned therein, shall be under and subject to the same rules, regulations, restrictions, penalties and provisions, as if the said ship or vessel had arrived at the port of her destination, and had there proceeded to the delivery of her cargo.

APPROVED, January 7, 1791.

Under the usual regulations in other countries.

STATUTE III.

CHAP. III.—*An Act to continue an act intituled "An act declaring the assent of Congress to certain acts of the States of Maryland, Georgia, and Rhode Island and Providence Plantations," so far as the same respects the States of Georgia and Rhode Island and Providence Plantations.*

Jan. 10, 1791.

[Expired.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the act passed the last session of Congress, intituled "An act declaring the assent of Congress to certain acts of the states of Maryland, Georgia, and Rhode Island and Providence Plantations," shall be continued, and is hereby declared to be in full force, so far as the same respects the states of Georgia, and Rhode Island and Providence Plantations, for the farther term of one year, and from thence to the end of the then next session of Congress, and no longer.

1792, ch. 10.

1790, ch. 43.

APPROVED, January 10, 1791.

STATUTE III.

CHAP. IV.—*An Act declaring the consent of Congress, that a new State be formed within the jurisdiction of the Commonwealth of Virginia, and admitted into this Union, by the name of the State of Kentucky.*

Feb. 4, 1791.

WHEREAS the legislature of the commonwealth of Virginia, by an act entitled "An act concerning the erection of the district of Kentucky into an independent state," passed the eighteenth day of December, one thousand seven hundred and eighty-nine, have consented, that the district of Kentucky, within the jurisdiction of the said commonwealth, and according to its actual boundaries at the time of passing the act aforesaid, should be formed into a new state: And whereas a convention of delegates, chosen by the people of the said district of Kentucky, have petitioned Congress to consent, that, on the first day of June, one thousand seven hundred and ninety-two, the said district should be formed into a new state, and received into the Union, by the name of "The State of Kentucky:"

Recital.  
Reference to the act of the legislature of Virginia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, and it is hereby enacted and declared*, That the Congress doth consent, that the said district of Kentucky, within the jurisdiction of the commonwealth of Virginia, and according to its actual boundaries, on the eighteenth day of December, one thousand seven hundred and eighty-nine, shall, upon the first day of June, one thousand seven hundred and ninety-two, be formed into a new State, separate from and independent of, the said commonwealth of Virginia.

Consent of Congress that a part of Virginia within certain boundaries, shall become a new state, June 1, 1792.

SEC. 2. *And be it further enacted and declared*, That upon the aforesaid first day of June, one thousand seven hundred and ninety-two, the said new State, by the name and style of the State of Kentucky, shall be received and admitted into this Union, as a new and entire member of the United States of America.

When and by what name admitted into the Union.

APPROVED, February 4, 1791.



STATUTE III.  
Feb. 9, 1791.

CHAP. V.—*An Act declaring the consent of Congress to a certain act of the state of Maryland.*

[Expired.]  
Consent to an  
act of Maryland.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the consent of Congress be, and is hereby granted and declared to the operation of an act of the General Assembly of Maryland, made and passed at a session begun and held at the city of Annapolis, on the first Monday in November last, intituled "An act to empower the wardens of the port of Baltimore to levy and collect the duty therein mentioned," until the tenth day of January next, and from thence until the end of the then next session of Congress, and no longer.

APPROVED, February 9, 1791.

STATUTE III.

Feb. 11, 1791.

CHAP. VI.—*An Act making appropriations for the support of Government during the year one thousand seven hundred and ninety-one, and for other purposes.*

[Expired.]

Appropriations  
of money for,  
the civil list;

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there be appropriated the several sums, and for the several purposes following, to wit: A sum not exceeding two hundred and ninety-nine thousand two hundred and seventy-six dollars and fifty-three cents, for defraying the expenses of the civil list, as estimated by the Secretary of the Treasury, in the statement, number one, accompanying his report to the House of Representatives of the sixth instant, including the contingencies of the several executive officers, and of the two Houses of Congress, which are hereby authorized and granted: a sum not exceeding fifty thousand seven hundred and fifty-six dollars and fifty-three cents, for satisfying the several objects specified in the statement, number two, accompanying the report aforesaid, all such whereof, as may not have been heretofore provided for by law, being hereby authorized: and a sum not exceeding three hundred and ninety thousand one hundred and ninety-nine dollars and fifty-four cents, for the use of the department of war, pursuant to the statement, number three, accompanying the report aforesaid, including therein the sum of one hundred thousand dollars, for defraying the expenses of an expedition lately carried on against certain Indian tribes; and the sum of eighty-seven thousand four hundred and sixty-three dollars and sixty cents, being the amount of one year's pensions to invalids, together with the contingencies of the said department, which are hereby authorized: Which several sums shall be paid out of the funds following, namely, The sum of six hundred thousand dollars, which, by the act, intituled "An act making provision for the debt of the United States," is reserved yearly for the support of the government of the United States, and their common defence; the amount of such surpluses as may remain in the treasury, after satisfying the purposes for which appropriations were made, by the acts respectively, intituled "An act making appropriations for the service of the present year," passed the twenty-ninth day of September, one thousand seven hundred and eighty-nine; "An act making appropriations for the support of government for the year one thousand seven hundred and ninety," passed the twenty-sixth day of March, one thousand seven hundred and ninety; "An act making certain appropriations therein mentioned," passed the twelfth day of August, one thousand seven hundred and ninety, and the product, during the present year, of such duties as shall be laid in the present session of Congress.

APPROVED, February 11, 1791.

certain specified  
purposes;

department of  
war;

pensions to in-  
valids; and

out of what  
funds payable.

1790, ch. 34.

1789, ch. 23.

1790, ch. 4.

1790, ch. 46.

CHAP. VII.—*An Act for the admission of the State of Vermont into this Union.*STATUTE III.  
Feb. 18, 1791.

THE state of Vermont having petitioned the Congress to be admitted a member of the United States, *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, and it is hereby enacted and declared*, That on the fourth day of March, one thousand seven hundred and ninety-one, the said state, by the name and style of "The State of Vermont," shall be received and admitted into this Union, as a new and entire member of the United States of America.

APPROVED, February 18, 1791.

State of Vermont to be admitted into the Union, 4th March, 1791.

CHAP. VIII.—*An Act to continue in force, for a limited time, an act passed at the first Session of Congress, intituled "An act to regulate processes in the Courts of the United States." (a)*STATUTE III.  
Feb. 18, 1791.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That an act passed on the twenty-ninth day of September, in the year one thousand seven hundred and eighty-nine, intituled, "An act to regulate processes in the courts of the United States," shall be, and the same hereby is continued in force, until the end of the next session of Congress, and no longer.

APPROVED, February 18, 1791.

[Repealed.]  
1792, ch. 36.  
Former act declared to be in force till the end of next session of Congress.  
1789, ch. 21.

CHAP. IX.—*An Act regulating the number of Representatives to be chosen by the States of Kentucky and Vermont.*STATUTE III.  
Feb. 25, 1791.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That until the Representatives in Congress shall be apportioned according to an actual enumeration of the inhabitants of the United States, the states of Kentucky and Vermont shall each be entitled to choose two Representatives.

APPROVED, February 25, 1791.

[Obsolete.]  
Kentucky and Vermont entitled to two representatives.  
Act of April 14, 1792, ch. 23.

CHAP. X.—*An Act to incorporate the subscribers to the Bank of the United States. (b)*STATUTE III.  
Feb. 25, 1791.

WHEREAS it is conceived that the establishment of a bank for the United States, upon a foundation sufficiently extensive to answer the purposes intended thereby, and at the same time upon the principles which afford adequate security for an upright and prudent administration thereof, will be very conducive to the successful conducting of the national finances; will tend to give facility to the obtaining of loans, for the use of the government, in sudden emergencies; and will be productive of considerable advantages to trade and industry in general: Therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That a bank of the United States shall be established; the capital stock whereof shall not exceed ten millions of dollars, divided into twenty-five thousand shares, each share being four hundred dollars; and that subscriptions,

[Expired.]  
Preamble.

Establishment of a Bank of the U. States, and amount and division of its stock, and time of subscribing.

(a) Act of September 29, 1789; act of May 8, 1792, chap. 36, sec. 8.

(b) The acts relating to a Bank of the United States in addition to this act, have been: Act of March 2, 1791, chap. 11; act of June 27, 1793; act of March 23, 1804.  
2, Authorizing the establishing of offices of discount and deposit in any of the territories of the United States: Act of March 23, 1804. See acts, 1812, chap. 43; act of April 10, 1816; act of March 3, 1817; act of March 3, 1819; act of April 11, 1836; act of April 20, 1836; act of June 15, 1836; act of June 23, 1836; resolution March 3, 1837.

Act of March  
2, 1791, ch. 11.

By whom to  
be subscribed.

Proportions of  
gold and silver  
and the public  
debt to be sub-  
scribed, and

when to be paid.

Subscribers to  
be a body po-  
litic.

By what name  
and how long to  
continue.

Powers.

Limitation of  
stock.

To have a seal,

and establish  
by-laws.

Number, and  
time of electing  
directors.

towards constituting the said stock, shall, on the first Monday of April next, be opened at the city of Philadelphia, under the superintendence of such persons, not less than three, as shall be appointed for that purpose by the President of the United States (who is hereby empowered to appoint the said persons accordingly); which subscriptions shall continue open, until the whole of the said stock shall have been subscribed. (a)

SEC. 2. *And be it further enacted*, That it shall be lawful for any person, co-partnership, or body politic, to subscribe for such or so many shares, as he, she, or they shall think fit, not exceeding one thousand, except as shall be hereafter directed relatively to the United States; and that the sums, respectively subscribed, except on behalf of the United States, shall be payable one fourth in gold and silver, and three fourths in that part of the public debt, which, according to the loan proposed in the fourth and fifteenth sections of the act, entitled "An act making provision for the debt of the United States," shall bear an accruing interest, at the time of payment, of six per centum per annum, and shall also be payable in four equal parts, in the aforesaid ratio of specie to debt, at the distance of six calendar months from each other; the first whereof shall be paid at the time of subscription.

SEC. 3. *And be it further enacted*, That all those, who shall become subscribers to the said bank, their successors and assigns, shall be, and are hereby created and made a corporation and body politic, by the name and style of *The President, Directors and Company, of the Bank of the United States*; and shall so continue, until the fourth day of March, one thousand eight hundred and eleven: And by that name, shall be, and are hereby made able and capable in law, to have, purchase, receive, possess, enjoy, and retain to them and their successors, lands, rents, tenements, hereditaments, goods, chattels and effects of what kind, nature or quality soever, to an amount, not exceeding in the whole fifteen millions of dollars, including the amount of the capital stock aforesaid; and the same to sell, grant, demise, aliene or dispose of; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in courts of record, or any other place whatsoever: And also to make, have, and use a common seal, and the same to break, alter and renew, at their pleasure; and also to ordain, establish, and put in execution, such by-laws, ordinances and regulations, as shall seem necessary and convenient for the government of the said corporation, not being contrary to law, or to the constitution thereof (for which purpose, general meetings of the stockholders shall and may be called by the directors, and in the manner herein after specified), and generally to do and execute all and singular acts, matters and things, which to them it shall or may appertain to do; subject nevertheless to the rules, regulations, restrictions, limitations and provisions herein after prescribed and declared.

SEC. 4. *And be it further enacted*, That, for the well ordering of the affairs of the said corporation, there shall be twenty-five directors; of whom there shall be an election on the first Monday of January in each year, by the stockholders or proprietors of the capital stock of the said corporation, and by plurality of the votes actually given; and those who shall be duly chosen at any election, shall be capable of serving as directors, by virtue of such choice, until the end or expiration of the

(a) Congress has power to incorporate a bank; and the act of April 10, 1816, to incorporate the subscribers to the Bank of the United States, is a law made in pursuance of the constitution. *McCulloch v. The State of Maryland*, 4 Wheat. 316; 4 Cond. Rep. 466.

The Bank of the United States has constitutionally a right to establish branches or offices of discount and deposit within any state. *Ibid*.

A state cannot tax the Bank of the United States, and any attempt by the officers or courts of the state to enforce a law laying a tax upon the property of the Bank, may be restrained by injunction. *Osborne v. The Bank of the United States*, 9 Wheat. 738; 5 Cond. Rep. 741.

Monday of January next ensuing the time of such election, and no longer. And the said directors, at their first meeting after each election, shall choose one of their number as President.

SEC. 5. *Provided always, and be it further enacted*, That, as soon as the sum of four hundred thousand dollars, in gold and silver, shall have been actually received on account of the subscriptions to the said stock, notice thereof shall be given, by the persons under whose superintendence the same shall have been made, in at least two public gazettes printed in the city of Philadelphia; and the said persons shall, at the same time in like manner, notify a time and place within the said city, at the distance of ninety days from the time of such notification, for proceeding to the election of directors; and it shall be lawful for such election to be then and there made; and the persons, who shall then and there be chosen, shall be the first directors, and shall be capable of serving, by virtue of such choice, until the end or expiration of the Monday in January next ensuing the time of making the same, and shall forthwith thereafter commence the operations of the said bank, at the said city of Philadelphia. *And provided further*, That, in case it should at any time happen, that an election of directors should not be made upon any day when pursuant to this act it ought to have been made, the said corporation shall not, for that cause, be deemed to be dissolved; but it shall be lawful, on any other day, to hold and make an election of directors in such manner as shall have been regulated by the laws and ordinances of the said corporation. *And provided lastly*, That, in case of the death, resignation, absence from the United States, or removal of a director by the stockholders, his place may be filled up, by a new choice, for the remainder of the year.

SEC. 6. *And be it further enacted*, That the directors for the time being shall have power to appoint such officers, clerks, and servants under them, as shall be necessary for executing the business of the said corporation, and to allow them such compensation, for their services respectively, as shall be reasonable; and shall be capable of exercising such other powers and authorities, for the well governing and ordering of the affairs of the said corporation, as shall be described, fixed, and determined by the laws, regulations, and ordinances of the same.

SEC. 7. *And be it further enacted*, That the following rules, restrictions, limitations and provisions, shall form and be fundamental articles of the constitution of the said corporation, viz.

I. The number of votes to which each stockholder shall be entitled, shall be according to the number of shares he shall hold, in the proportions following: That is to say, for one share, and not more than two shares, one vote: for every two shares above two, and not exceeding ten, one vote: for every four shares above ten, and not exceeding thirty, one vote: for every six shares above thirty, and not exceeding sixty, one vote: for every eight shares above sixty, and not exceeding one hundred, one vote: and for every ten shares above one hundred, one vote:—But no person, co-partnership, or body politic shall be entitled to a greater number than thirty votes. And after the first election, no share or shares shall confer a right of suffrage, which shall not have been holden three calendar months previous to the day of election. Stockholders actually resident within the United States, and none other, may vote in elections by proxy.

II. Not more than three fourths of the directors in office, exclusive of the president, shall be eligible for the next succeeding year: but the director, who shall be president at the time of an election, may always be re-elected.

III. None but a stockholder, being a citizen of the United States, shall be eligible as a director.

IV. No director shall be entitled to any emolument, unless the same

And of a president.

Provido.

When \$400,000 in gold or silver shall be subscribed, notice be given, &c.

How directors shall be chosen, and time of service.

Vacancies filled up.

Directors to appoint officers, &c.

Articles of constitution.

Stockholders how to vote, in what proportion to sum subscribed, and

in certain cases may vote by proxy.

Number of electors eligible for ensuing year, and

who as directors.

Compensation to be allowed.

shall have been allowed by the stockholders at a general meeting. The stockholders shall make such compensation to the president, for his extraordinary attendance at the bank, as shall appear to them reasonable.

How to constitute a board.

V. Not less than seven directors shall constitute a board for the transaction of business, of whom, the president shall always be one, except in case of sickness, or necessary absence; in which case his place may be supplied by any other director, whom he, by writing under his hand, shall nominate for the purpose.

Number of stockholders empowered to call a meeting, &c.

VI. Any number of stockholders, not less than sixty, who, together, shall be proprietors of two hundred shares or upwards, shall have power at any time to call a general meeting of the stockholders, for purposes relative to the institution, giving at least ten weeks notice, in two public gazettes of the place where the bank is kept, and specifying, in such notice, the object or objects of such meeting.

Cashier and treasurer to give bond.

VII. Every cashier or treasurer, before he enters upon the duties of his office, shall be required to give bond, with two or more sureties, to the satisfaction of the directors, in a sum not less than fifty thousand dollars, with condition for his good behaviour.

Limitation of property;

VIII. The lands, tenements and hereditaments which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation in relation to the convenient transacting of its business, and such as shall have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts.

and of debts they shall at any time owe.

IX. The total amount of the debts, which the said corporation shall at any time owe, whether by bond, bill, note, or other contract, shall not exceed the sum of ten millions of dollars, over and above the monies then actually deposited in the bank for safe keeping, unless the contracting of any greater debt shall have been previously authorized by a law of the United States. In case of excess, the directors, under whose administration it shall happen, shall be liable for the same, in their natural and private capacities; and an action of debt may, in such case, be brought against them, or any of them, their or any of their heirs, executors or administrators, in any court of record of the United States, or of either of them, by any creditor or creditors of the said corporation, and may be prosecuted to judgment and execution; any condition, covenant, or agreement to the contrary notwithstanding. But this shall not be construed to exempt the said corporation, or the lands, tenements, goods or chattels of the same, from being also liable for and chargeable with the said excess. Such of the said directors, who may have been absent when the said excess was contracted or created, or who may have dissented from the resolution or act whereby the same was so contracted or created, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact, and of their absence or dissent, to the President of the United States, and to the stockholders, at a general meeting, which they shall have power to call for that purpose.

In case of excess, directors accountable in private capacities and

may be prosecuted.

Exception in favour of absentees at time of excess.

Corporation may sell public debt and part of its stock, but not purchase, &c.

and take not more than 6 per cent. per an.

X. The said corporation may sell any part of the public debt whereof its stock shall be composed, but shall not be at liberty to purchase any public debt whatsoever; nor shall directly or indirectly deal or trade in any thing, except bills of exchange, gold or silver bullion, or in the sale of goods really and truly pledged for money lent and not redeemed in due time; or of goods which shall be the produce of its lands. Neither shall the said corporation take more than at the rate of six per centum per annum, for or upon its loans or discounts.

XI. No loan shall be made by the said corporation, for the use or on account of the government of the United States, to an amount exceed-

ing one hundred thousand dollars, or of any particular state, to an amount exceeding fifty thousand dollars, or of any foreign prince or state, unless previously authorized by a law of the United States.

How and for what objects to make loans.

XII. The stock of the said corporation shall be assignable and transferable, according to such rules as shall be instituted in that behalf, by the laws and ordinances of the same.

And bills, &c. shall

XIII. The bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by indorsement thereupon, under the hand or hands of such person or persons, and of his, her, or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in each and every assignee or assignees successively, and to enable such assignee or assignees to bring and maintain an action thereupon in his, her, or their own name or names. And bills or notes, which may be issued by order of the said corporation, signed by the president, and countersigned by the principal cashier or treasurer thereof, promising the payment of money to any person or persons, his, her, or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in the like manner, and with the like force and effect, as upon any private person or persons, if issued by him or them, in his, her, or their private or natural capacity or capacities; and shall be assignable and negotiable, in like manner, as if they were so issued by such private person or persons—that is to say, those which shall be payable to any person or persons, his, her, or their order, shall be assignable by indorsement, in like manner, and with the like effect, as foreign bills of exchange now are; and those which are payable to bearer, shall be negotiable and assignable by delivery only.

be assignable

and

bills to be obligatory.

XIV. Half yearly dividends shall be made of so much of the profits of the bank, as shall appear to the directors advisable; and once in every three years, the directors shall lay before the stockholders, at a general meeting, for their information, an exact and particular statement of the debts, which shall have remained unpaid after the expiration of the original credit, for a period of treble the term of that credit; and of the surplus of profit, if any, after deducting losses and dividends. If there shall be a failure in the payment of any part of any sum, subscribed by any person, co-partnership, or body politic, the party failing shall lose the benefit of any dividend, which may have accrued, prior to the time for making such payment, and during the delay of the same.

Dividends of profits made.

XV. It shall be lawful for the directors aforesaid, to establish offices wheresoever they shall think fit, within the United States, for the purposes of discount and deposit only, and upon the same terms, and in the same manner, as shall be practised at the bank; and to commit the management of the said offices, and the making of the said discounts, to such persons, under such agreements, and subject to such regulations as they shall deem proper; not being contrary to law, or to the constitution of the bank.

Offices may be established within United States, for discount and deposit only, &c.

XVI. The officer at the head of the treasury department of the United States, shall be furnished, from time to time, as often as he may require, not exceeding once a week, with statements of the amount of the capital stock of the said corporation, and of the debts due to the same; of the monies deposited therein; of the notes in circulation, and of the cash in hand; and shall have a right to inspect such general accounts in the books of the bank, as shall relate to the said statements. *Provided*, That this shall not be construed to imply a right of inspecting the account of any private individual or individuals with the bank.

Officer at the head of the treasury, to be furnished with statements.

Not of private nature.

SEC. 8. *And be it further enacted*, That if the said corporation, or any person or persons for or to the use of the same, shall deal or trade in buying or selling any goods, wares, merchandise, or commodities whatsoever, contrary to the provisions of this act, all and every person

Penalty for buying or selling goods, &c.

and persons, by whom any order or direction for so dealing or trading shall have been given, and all and every person and persons who shall have been concerned as parties or agents therein, shall forfeit and lose treble the value of the goods, wares, merchandises, and commodities, in which such dealing and trade shall have been; one half thereof to the use of the informer, and the other half thereof to the use of the United States, to be recovered with costs of suit.

How money  
may be ad-  
vanced or lent.

SEC. 9. *And be it further enacted*, That if the said corporation shall advance or lend any sum, for the use or on account of the government of the United States, to an amount exceeding one hundred thousand dollars; or of any particular state to an amount exceeding fifty thousand dollars; or of any foreign prince or state, (unless previously authorized thereto by a law of the United States,) all and every person and persons, by and with whose order, agreement, consent, approbation, or connivance, such unlawful advance or loan shall have been made, upon conviction thereof, shall forfeit and pay, for every such offence, treble the value or amount of the sum or sums which shall have been so unlawfully advanced or lent; one fifth thereof to the use of the informer, and the residue thereof to the use of the United States; to be disposed of by law and not otherwise.

Bills or notes  
made receivable  
by U. States.

1812, ch. 43.

SEC. 10. *And be it further enacted*, That the bills or notes of the said corporation, originally made payable, or which shall have become payable on demand, in gold and silver coin, shall be receivable in all payments to the United States.

Subscriptions  
made by United  
States, how to  
be paid, &c.

1790, ch. 34.

1790, ch. 47.

SEC. 11. *And be it further enacted*, That it shall be lawful for the President of the United States, at any time or times, within eighteen months after the first day of April next, to cause a subscription to be made to the stock of the said corporation, as part of the aforesaid capital stock of ten millions of dollars, on behalf of the United States, to an amount not exceeding two millions of dollars; to be paid out of the monies which shall be borrowed by virtue of either of the acts, the one entitled "An act making provision for the debt of the United States;" and the other entitled "An act making provision for the reduction of the public debt;" borrowing of the bank an equal sum, to be applied to the purposes, for which the said monies shall have been procured; reimbursable in ten years, by equal annual instalments; or at any time sooner, or in any greater proportions, that the government may think fit.

No other bank  
to be establish-  
ed.

SEC. 12. *And be it further enacted*, That no other bank shall be established by any future law of the United States, during the continuance of the corporation hereby created; for which the faith of the United States is hereby pledged.

APPROVED, February 25, 1791.

### STATUTE III.

March 2, 1791.

CHAP. XI.—*An Act supplementary to the act intituled "An act to incorporate the subscribers to the Bank of the United States."*

Subscriptions  
to bank stock  
prolonged.

1791, ch. 10.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the subscriptions to the stock of the bank of the United States, as provided by the act, intituled "An act to incorporate the subscribers to the bank of the United States," shall not be opened until the first Monday in July next.

Time of first  
payment.

SEC. 2. *And be it further enacted*, That so much of the first payment as by the said act is directed to be in the six per cent. certificates of the United States, may be deferred until the first Monday in January next.

Not more than  
thirty shares to

SEC. 3. *And be it further enacted*, That no person, corporation, or body politic, except in behalf of the United States, shall, for the space

of three months after the said first Monday in July next, subscribe in any one day, for more than thirty shares.

SEC. 4. *And be it further enacted*, That every subscriber shall, at the time of subscribing, pay into the hands of the persons who shall be appointed to receive the same, the specie proportion required by the said act to be then paid. And if any such subscriber shall fail to make any of the future payments, he shall forfeit the sum so by him first paid, for the use of the corporation.

SEC. 5. *And be it further enacted*, That such part of the public debt, including the assumed debt, as is funded at an interest of three per cent. may be paid to the bank, in like manner with the debt funded at six per cent. computing the value of the former at one half the value of the latter, and reserving to the subscribers who shall have paid three per cent. stock, the privilege of redeeming the same with six per cent. stock, at the above rate of computation, at any time before the first day of January, one thousand seven hundred and ninety-three; unless the three per cent. stock shall have been previously disposed of by the directors.

APPROVED, March 2, 1791.

be subscribed at one time.

Specie proportion, when to be paid, and failure in future payments to forfeit sum first paid.

In what manner public debt funded at 3 per cent. may be paid to the bank.

CHAP. XII.—*An Act giving effect to the laws of the United States within the state of Vermont.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the third day of March next, all the laws of the United States, which are not locally inapplicable, ought to have, and shall have, the same force and effect within the state of Vermont, as elsewhere within the United States.

And to the end that the act, intituled "An act to establish the judicial courts of the United States," may be duly administered within the said state of Vermont,

SEC. 2. *Be it further enacted*, That the said state shall be one district, to be denominated Vermont District; and there shall be a district court therein, to consist of one judge, who shall reside within the said district, and be called a district judge, and shall hold annually four sessions; the first to commence on the first Monday in May next, and the three other sessions progressively on the like Monday of every third calendar month afterwards. The said district court shall be held alternately at the towns of Rutland and Windsor, beginning at the first.

SEC. 3. *And be it further enacted*, That the said district shall be, and the same hereby is annexed to the eastern circuit. And there shall be held annually in the said district one circuit court; the first session shall commence on the seventeenth day of June next, and the subsequent sessions on the like day of June afterwards, except when any of the said days shall happen on a Sunday, and then the session shall commence on the day following; and the said sessions of the said circuit courts shall be held at the town of Bennington.

SEC. 4. *And be it further enacted*, That there shall be allowed to the judge of the said district court the yearly compensation of eight hundred dollars, to commence from the time of his appointment, and to be paid quarter yearly at the treasury of the United States.

SEC. 5. *And be it further enacted*, That all the regulations, provisions, directions, authorities, penalties, and other matters whatsoever, (except as herein afterwards is expressly provided) contained and expressed in and by the act, intituled "An act providing for the enumeration of the inhabitants of the United States," shall have the same force and effect within the said state of Vermont, as if the same were, in relation thereto, repeated and re-enacted in and by this present act.

STATUTE III.

March 2, 1791.

Laws of the U. States extended to Vermont.

1789, ch. 20.

Vermont to be a district and have a district court and judge.

Number and time of sessions, Repealed 1802, ch. 31, and where held. 1799, ch. 21.

Annexed to the eastern circuit, and have a circuit court;

1796, ch. 34. where held.

Compensation to the judge.

An enumeration of the inhabitants to be made.

1790, ch. 2.



Enumeration of inhabitants, when to commence.

Compensation to the marshal therefor.

Duties on articles imported within said state how to be collected.

1790, ch. 35.

Port of entry and delivery.

1790, ch. 35, sec. 70.

SEC. 6. *And be it further enacted*, That the enumeration of the inhabitants of the said state shall commence on the first Monday of April next, and shall close within five calendar months thereafter.

SEC. 7. *And be it further enacted*, That the marshal of the district of Vermont shall receive in full compensation for all the duties and services confided to, and enjoined upon him in and by this act in taking the enumeration aforesaid, two hundred dollars.

And that the act intituled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares and merchandise imported into the United States, and on the tonnage of ships and vessels," may be carried into effect in the said state of Vermont:

SEC. 8. *Be it further enacted*, That for the due collection of the said duties, there shall be in the said state of Vermont one district; and a collector shall be appointed, to reside at Allburgh on Lake Champlain, which shall be the only port of entry or delivery within the said district, of any goods, wares or merchandise, not the growth or manufacture of the United States.

*Provided nevertheless*, That the exception contained in the sixty-ninth section of the act last above mentioned, relative to the district of Louisville, shall be and is hereby extended to the said port of Allburgh.

APPROVED, March 2, 1791.

### STATUTE III.

March 2, 1791.

CHAP. XIII.—*An Act to explain and amend an act intituled "An act making further provision for the payment of the debts of the United States."*

Duty laid on bar lead extended to manufactures of lead.

1790, ch. 39.

Duty laid on chintzes, &c. extended to manufactures of coloured linen or cotton.

1790, ch. 39.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the duty of one cent per pound, laid by the act "making further provision for the payment of the debts of the United States," on barr and other lead, shall be deemed and taken to extend to all manufactures wholly of lead, or in which lead is the chief article, which shall hereafter be brought into the United States, from any foreign port or place.

SEC. 2. *And be it further enacted*, That the duty of seven and a half per cent. ad valorem, laid by the act aforesaid on chintzes and coloured calicoes, shall be deemed and taken to extend to all printed, stained, and coloured goods, or manufactures of cotton, or of linen, or of both, which hereafter shall be brought into the United States from any foreign port or place.

*Provided always*, That nothing in this act shall in any wise affect the true construction or meaning of the act aforesaid in relation to any of the above described articles brought into the United States before the passing of this act.

APPROVED, March 2, 1791.

### STATUTE III.

March 2, 1791.

CHAP. XIV.—*An Act fixing the time for the next annual meeting of Congress.*

Time for the meeting of the next Congress.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That after the third day of March next, the first annual meeting of Congress shall be on the fourth Monday of October next.

APPROVED, March 2, 1791.

CHAP. XV.—*An Act repealing, after the last day of June next, the duties heretofore laid upon Distilled Spirits imported from abroad, and laying others in their stead; and also upon Spirits distilled within the United States, and for appropriating the same.*

STATUTE III.

March 3, 1791.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That after the last day of June next, the duties laid upon distilled spirits by the act, intituled "An act making further provision for the payment of the debts of the United States," shall cease; and that upon all distilled spirits which shall be imported into the United States after that day, from any foreign port or place, there shall be paid for their use the duties following; that is to say—For every gallon of those spirits more than ten per cent. below proof, according to Dicas's hydrometer, twenty cents. For every gallon of those spirits under five, and not more than ten per cent. below proof, according to the same hydrometer, twenty-one cents. For every gallon of those spirits of proof, and not more than five per cent. below proof, according to the same hydrometer, twenty-two cents. For every gallon of those spirits above proof, but not exceeding twenty per cent. according to the same hydrometer, twenty-five cents. For every gallon of those spirits more than twenty, and not more than forty per cent. above proof, according to the same hydrometer, thirty cents. For every gallon of those spirits more than forty per cent. above proof, according to the same hydrometer, forty cents.

Duties to be paid on spirits imported;

1792, ch. 27.

1790, ch. 39.

SEC. 2. *And be it further enacted,* That the said duties shall be collected in the same manner, by the same persons, under the same regulations, and subject to the same forfeitures and other penalties, as those heretofore laid; the act concerning which shall be deemed to be in full force for the collection of the duties herein before imposed, except as to the alterations contained in this act.

how to be collected;

Act of August 10, 1790, ch. 39.

SEC. 3. *And be it further enacted,* That the said duties, when the amount thereof shall not exceed fifty dollars, shall be immediately paid; but when the said amount shall exceed fifty, and shall not amount to more than five hundred dollars, may, at the option of the proprietor, importer or consignee, be either immediately paid, or secured by bond, with condition for the payment thereof in four months; and if the amount of the said duties shall exceed five hundred dollars, the same may be immediately paid or secured by bond, with condition for the payment thereof in six months; which bond, in either case, at the like option of the proprietor, importer or consignee, shall either include one or more sureties to the satisfaction of the collector, or person acting as such, or shall be accompanied with a deposit in the custody of the said collector, or person acting as such, of so much of the said spirits as shall in his judgment be a sufficient security for the amount of the duties for which the said bond shall have been given, and the charges of the safe keeping and sale of the spirits so deposited; which deposit shall and may be accepted in lieu of the said surety or sureties, and shall be kept by the said collector, or person acting as such, with due and reasonable care at the expense and risk of the party or parties on whose account the same shall have been made; and if at the expiration of the time mentioned in the bond for the payment of the duties thereby intended to be secured, the same shall not be paid, then the said deposited spirits shall be sold at public sale, and the proceeds thereof, after deducting the charges of keeping and sale, shall be applied to the payment of the whole sum of the duties for which such deposit shall have been made, rendering the overplus of the said proceeds, and the residue of the said spirits, if any there be, to the person or persons by whom such deposit shall have been made, or to his, her or their representatives.

and the payment thereof how to be secured.

Payment of duties on spirits imported, how to be secured.

SEC. 4. In order to a due collection of the duties imposed by this act,

To be divided into districts consisting each of a state;

Districts to be subdivided into surveys of inspection.

A supervisor to be appointed for the districts, and inspectors for the surveys.

Officers of the customs and supervisors eligible as inspectors.

Appointment of inspectors to be made during the recess.

Supervisors and inspectors to keep accounts and records of their transactions;

and submit the same to a proper officer;

Supervisors and inspectors to pay all the monies they receive; and settle their accounts quarterly.

Persons to be appointed under this act to take an oath,

and transmit it to the comptroller;

Penalty in default thereof.

Offices of inspection to be established.

*Be it further enacted*, That the United States shall be divided into fourteen districts, each consisting of one state, but subject to alterations by the President of the United States, from time to time, by adding to the smaller such portions of the greater as shall in his judgment best tend to secure and facilitate the collection of the revenue; which districts it shall be lawful for the President of the United States to subdivide into surveys of inspection, and the same to alter at his discretion. That the President be authorized to appoint, with the advice and consent of the Senate, a supervisor to each district, and as many inspectors to each survey therein as he shall judge necessary, placing the latter under the direction of the former. *Provided always*, That it shall and may be lawful for the President, with the advice and consent of the Senate, in his discretion to appoint, such and so many officers of the customs to be inspectors in any survey of inspection as he shall deem advisable to employ in the execution of this act: *Provided also*, That where, in the judgment of the President, a supervisor can discharge the duties of that office, and also that of inspector, he may direct the same: *And provided further*, That if the appointment of the inspectors of surveys, or any part of them, shall not be made during the present session of Congress, the President may, and he is hereby empowered to make such appointments during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SEC. 5. *And be it further enacted*, That the supervisors, inspectors and officers to be appointed by virtue of this act, and who shall be charged to take bonds for securing the payment of the duties upon spirits distilled within the United States, and with the receipt of monies in discharge of such duties, shall keep fair and true accounts and records of their transactions in their respective offices, in such manner and form as may be directed by the proper department or officer having the superintendence of the collection of the revenue, and shall at all times submit their books, papers and accounts to the inspection of such persons as are or may be appointed for that purpose, and shall at all times pay to the order of the officer, who is or shall be authorized to direct the payment thereof, the whole of the monies which they may respectively receive by virtue of this act, and shall also once in every three months, or oftener if they shall be required, transmit their accounts for settlement to the officer or officers whose duty it is, or shall be to make such settlement.

SEC. 6. *And be it further enacted*, That all officers and persons to be appointed pursuant to this act, before they enter on the duties of their respective offices, shall take an oath or affirmation diligently and faithfully to execute the duties of their said offices respectively, and to use their best endeavours to prevent and detect frauds, in relation to the duties on spirits imposed by this act, which oath or affirmation may be taken before any magistrate authorized to administer oaths within the district or survey to which he belongs, and being certified under the hand and seal of the magistrate by whom the same shall have been administered, shall within three months thereafter be transmitted to the comptroller of the treasury, in default of taking which oath or affirmation, the party failing shall forfeit and pay two hundred dollars for the use of the United States, to be recovered with costs of suit.

SEC. 7. *And be it further enacted*, That the supervisor of the revenue for each district, shall establish one or more offices within the same, as may be necessary; and in order that the said offices may be publicly known, there shall be painted or written in large legible characters upon some conspicuous part outside and in front of each house, building or place in which any such office shall be kept, these words, "OFFICE OF INSPECTION;" and if any person shall paint or write, or cause to be painted or written, the said words, upon any other than such house or

building, he or she shall forfeit and pay for so doing, one hundred dollars.

SEC. 8. *And be it further enacted*, That within forty-eight hours after any ship or vessel, having on board any distilled spirits brought in such ship or vessel from any foreign port or place, shall arrive within any port of the United States, whether the same be the first port of arrival of such ship or vessel, or not, the master or person having the command or charge thereof, shall report to one of the inspectors of the port at which she shall so arrive, the place from which she last sailed, with her name and burthen, and the quantity and kinds of the said spirits on board of her, and the casks, vessels or cases containing them, with their marks and numbers; on pain of forfeiting the sum of five hundred dollars.

SEC. 9. *And be it further enacted*, That the collector or other officer, or person acting as collector, with whom entry shall have been made of any of the said spirits, pursuant to the act intituled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares and merchandises imported into the United States, and on the tonnage of ships or vessels," shall forthwith after such entry certify and transmit the same, as particularly as it shall have been made with him, to the proper officer of inspection, of the port where it shall be intended to commence the delivery of the spirits so entered, or any part thereof: for which purpose, every proprietor, importer or consignee, making such entry, shall deliver two manifests of the contents (upon one of which the said certificate shall be given) and shall at the time thereof declare the port at which the said delivery shall be so intended to be commenced, to the collector or officer with whom the same shall be made. And every permit granted by such collector, for the landing of any of the said spirits, shall previous to such landing, be produced to the said officer of inspection, who shall make a minute in some proper book, of the contents thereof, and shall endorse thereupon the word "INSPECTED," the time when, and his own name: after which he shall return it to the person by whom it shall have been produced; and then, and not otherwise it shall be lawful to land the spirits therein specified; and if the said spirits shall be landed without such endorsement upon the permit for that purpose granted, the master or person having charge of the ship or vessel from which the same shall have been so landed, shall for every such offence forfeit the sum of five hundred dollars.

SEC. 10. *And be it further enacted*, That whenever it shall be intended that any ship or vessel shall proceed with the whole or any part of the spirits which shall have been brought in such ship or vessel from any foreign port or place, from one port in the United States to another port in the said United States, whether in the same or in different districts, the master or person having the command or charge of such ship or vessel, shall previous to her departure, apply to the officer of inspection, to whom report was made, for the port from which she is about to depart, for a certificate of the quantity and particulars of such of the said spirits as shall have been certified or reported to him to have been entered as imported in such ship or vessel, and of so much thereof as shall appear to him to have been landed out of her at such port; which certificate the said officer shall forthwith grant. And the master or person having the command or charge of such ship or vessel, shall within twenty-four hours after her arrival at the port to which she shall be bound, deliver the said certificate to the proper officer of inspection of such last mentioned port. And if such ship or vessel shall proceed from one port to another within the United States, with the whole or any part of the spirits brought in her as aforesaid, without having first obtained such certificate; or if within twenty-four hours after her arrival at such other port, the said certificate shall not be delivered to the proper officer of inspection there, the master or person having the command or charge

Report to be made to inspectors of importations of spirits;

which the collector

1790, ch. 35.

shall certify and send to the officer of inspection where the spirits shall be delivered.

Endorsement on permits by inspectors necessary, previous to the landing of it; and

penalty on failure thereof.

Spirits brought into one port, intended to be sent to another in the United States,

shall be so certified by an inspector;

and penalty on masters of vessels for neglecting to comply herewith;

and forfeiture of said spirits.

Spirits imported as aforesaid how to be landed;

and duties of officers of inspection when landed.

Officer of inspection to certify the quantity of spirits landed,

which shall serve to show the legality of its importation,

and to make entries thereof;

which certificates shall be delivered to purchasers; penalty on failure thereof.

Duties on spirits distilled within the U. States from foreign materials;

of the said ship or vessel, shall in either case forfeit the sum of five hundred dollars; and the spirits on board of her at her said arrival, shall be forfeited, and may be seized by any officer of inspection.

SEC. 11. *And be it further enacted*, That all spirits which shall be imported as aforesaid, shall be landed under the inspection of the officer or officers of inspection for the place where the same shall be landed, and not otherwise, on pain of forfeiture thereof; for which purpose the said officer or officers shall, at all reasonable times, attend: *Provided*, that this shall not be construed to exclude the inspection of the officers of the customs as now established and practised.

SEC. 12. *And be it further enacted*, That the officers of inspection under whose survey any of the said spirits shall be landed, shall upon landing thereof, and as soon as the casks, vessels and cases containing the same shall be gauged or measured, brand or otherwise mark in durable characters the several casks, vessels or cases containing the same, with progressive numbers; and also with the name of the ship or vessel wherein the same was or were imported, and of the port of entry, and with the proof and quantity thereof; together with such other marks, if any other shall be deemed needful, as the respective supervisors of the revenue may direct. And the said officer shall keep a book, wherein he shall enter the name of each vessel in which any of the said spirits shall be so imported, and of the port of entry and of delivery, and of the master of such vessel, and of each importer, and the several casks, vessels and cases containing the same, and the marks of each: and if such officer is not the chief inspector within the survey, he shall as soon as may be thereafter, make an exact transcript of each entry, and deliver the same to such chief officer, who shall keep a like book for recording the said transcript.

SEC. 13. *And be it further enacted*, That the chief officer of inspection within whose survey any of the said spirits shall be landed, shall give to the proprietor, importer or consignee thereof, or his or her agent, a certificate to remain with him or her, of the whole quantity of the said spirits which shall have been so landed; which certificate, besides the said quantity, shall specify the name of such proprietor, importer or consignee, and of the vessel from on board which the said spirits shall have been landed, and of the marks of each cask, vessel or case containing the same. And the said officer shall deliver to the said proprietor, importer or consignee, or to his or her agent, a like certificate for each cask, vessel or case; which shall accompany the same wheresoever it shall be sent, as evidence of its being lawfully imported. And the officer granting the said certificates, shall make regular and exact entries in the book to be by him kept as aforesaid, of all spirits for which the same shall be granted, as particularly as therein described. And the said proprietor, importer or consignee, or his or her agent, upon the sale and delivery of any of the said spirits, shall deliver to the purchaser or purchasers thereof, the certificate or certificates which ought to accompany the same; on pain of forfeiting the sum of fifty dollars, for each cask, vessel or case with which such certificate shall not be delivered.

SEC. 14. *And be it further enacted*, That upon all spirits which after the said last day of June next, shall be distilled within the United States, wholly or in part from molasses, sugar, or other foreign materials, there shall be paid for their use the duties following; that is to say—For every gallon of those spirits more than ten per cent. below proof, according to Dicas's hydrometer, eleven cents. For every gallon of those spirits under five and not more than ten per cent. below proof, according to the same hydrometer, twelve cents. For every gallon of those spirits of proof and not more than five per cent. below proof, according to the same hydrometer, thirteen cents. For every gallon of those spirits

above proof, and not exceeding twenty per cent., according to the same hydrometer, fifteen cents. For every gallon of those spirits more than twenty and not more than forty per cent. above proof, according to the same hydrometer, twenty cents. For every gallon of those spirits more than forty per cent. above proof, according to the same hydrometer, thirty cents.

SEC. 15. *And be it further enacted*, That upon all spirits which after the said last day of June next, shall be distilled within the United States, from any article of the growth or produce of the United States, in any city, town or village, there shall be paid for their use the duties following; that is to say—For every gallon of those spirits more than ten per cent. below proof, according to Dicas's hydrometer, nine cents. For every gallon of those spirits under five and not more than ten per cent. below proof, according to the same hydrometer, ten cents. For every gallon of those spirits of proof, and not more than five per cent. below proof, according to the same hydrometer, eleven cents. For every gallon of those spirits above proof, but not exceeding twenty per cent., according to the same hydrometer, thirteen cents. For every gallon of those spirits more than twenty and not more than forty per cent. above proof, according to the same hydrometer, seventeen cents. For every gallon of those spirits more than forty per cent. above proof, according to the same hydrometer, twenty-five cents.

and on those from home articles;

SEC. 16. *And be it further enacted*, That the said duties on spirits distilled within the United States, shall be collected under the management of the supervisors of the revenue.

how to be collected.

SEC. 17. *And be it further enacted*, That the said duties on spirits distilled within the United States, shall be paid or secured previous to the removal thereof from the distilleries at which they are respectively made. And it shall be at the option of the proprietor or proprietors of each distillery, or of his, her or their agent having the superintendence thereof, either to pay the said duties previous to such removal, with an abatement at the rate of two cents for every ten gallons, or to secure the payment of the same, by giving bond quarter-yearly, with one or more sureties, to the satisfaction of the chief officer of inspection within whose survey such distillery shall be, and in such sum as the said officer shall direct, with condition for the payment of the duties upon all such of the said spirits as shall be removed from such distillery, within three months next ensuing the date of the bond, at the expiration of nine months from the said date.

Duties on spirits distilled within the U. States, how to be secured

and paid.

SEC. 18. *And be it further enacted*, That the supervisor of each district shall appoint proper officers to have the charge and survey of the distilleries within the same, assigning to each, one or more distilleries as he may think proper, who shall attend such distillery at all reasonable times, for the execution of the duties by this act enjoined on him.

Supervisors to appoint officers to attend to distilleries.

SEC. 19. *And be it further enacted*, That previous to the removal of the said spirits from any distillery, the officer within whose charge and survey the same may be, shall brand or otherwise mark each cask containing the same, in durable characters, and with progressive numbers, and with the name of the acting owner or other manager of such distillery, and of the place where the same was situate, and with the quantity therein, to be ascertained by actual gauging, and with the proof thereof. And the duties thereupon having been first paid, or secured, as above provided, the said officer shall grant a certificate for each cask of the said spirits, to accompany the same wheresoever it shall be sent, purporting that the duty thereon hath been paid or secured, as the case may be, and describing each cask by its marks; and shall enter in a book for that purpose to be kept, all the spirits distilled at such distillery, and removed from the same; and the marks of each cask, and the persons for whose use, and the places to which removed and the time of each

Casks to be branded and gauged before a removal therefrom,

and so certified by said officer, and entered in a book accordingly.

Forfeiture for removing spirits without such certificates, and

for removing spirits from distilleries without authority.

Duty on private stills.

Evidence of their employment;

how it is to be collected; and

what to be done in case of refusal to pay it.

Proprietors of stills to have a right to keep an account of the quantity they distil,

which shall furnish a rule whereby the duties may be estimated.

removal, and the amount of the duties on the spirits so removed. And if any of the said spirits shall be removed from any such distillery without having been branded or marked as aforesaid, or without such certificate as aforesaid, the same, together with the cask or casks containing, and the horses or cattle, with the carriages, their harness and tackling, and the vessel or boat with its tackle and apparel employed in removing them, shall be forfeited, and may be seized by any officer of inspection. And the superintendent or manager of such distillery, shall also forfeit the full value of the spirits so removed, to be computed at the highest price of the like spirits in the market.

SEC. 20. *And be it further enacted,* That no spirits shall be removed from any such distillery at any other times than between sun rising and sun setting, except by consent and in presence of the officer having the charge and survey thereof, on pain of forfeiture of such spirits, or of the value thereof at the highest price in the market, to be recovered with costs of suit from the acting owner or manager of such distillery.

SEC. 21. *And be it further enacted,* That upon stills which after the last day of June next, shall be employed in distilling spirits from materials of the growth or production of the United States, in any other place than a city, town or village, there shall be paid for the use of the United States, the yearly duty of sixty cents for every gallon, English wine-measure, of the capacity or content of each and every such still, including the head thereof.

SEC. 22. *And be it further enacted,* That the evidence of the employment of the said stills shall be, their being erected in stone, brick or some other manner whereby they shall be in a condition to be worked.

SEC. 23. *And be it further enacted,* That the said duties on stills shall be collected under the management of the supervisor in each district, who shall appoint and assign proper officers for the surveys of the said stills and the admeasurement thereof, and the collection of the duties thereupon; and the said duties shall be paid half-yearly, within the first fifteen days of January and July, upon demand of the proprietor or proprietors of each still, at his, her or their dwelling, by the proper officer charged with the survey thereof: And in case of refusal or neglect to pay, the amount of the duties so refused or neglected to be paid, may either be recovered with costs of suit in an action of debt in the name of the supervisor of the district, within which such refusal shall happen, for the use of the United States, or may be levied by distress and sale of goods of the person or persons refusing or neglecting to pay, rendering the overplus (if any there be after payment of the said amount and the charges of distress and sale) to the said person or persons.

SEC. 24. *And be it further enacted,* That if the proprietor of any such still, finding himself or herself aggrieved by the said rates, shall enter or cause to be entered in a book to be kept for that purpose, from day to day when such still shall be employed, the quantity of spirits distilled therefrom, and the quantity from time to time sold or otherwise disposed of, and to whom and when, and shall produce the said book to the officer of inspection within whose survey such still shall be, and shall make oath or affirmation that the same doth contain to the best of his or her knowledge and belief, true entries made at their respective dates, of all the spirits distilled within the time to which such entries shall relate, from such still, and of the disposition thereof; and shall also declare upon such oath or affirmation, the quantity of such spirits then remaining on hand, it shall be lawful in every such case for the said officer to whom the said book shall be produced, and he is hereby required to estimate the duties upon such still, according to the quantity so stated to have been actually made therefrom at the rate of nine cents per gallon, which, and no more, shall be paid for the same: *Provided,* That if the said entries shall be made by any person other than the

said proprietor, a like oath or affirmation shall be made by such person.

And the more effectually to prevent the evasion of the duties hereby imposed on spirits distilled within the United States,

SEC. 25. *Be it further enacted*, That every person who shall be a maker or distiller of spirits from molasses, sugar or other foreign materials, or from materials the growth and production of the United States, shall write or paint, or cause to be written or painted upon some conspicuous part outside and in front of each house or other building or place made use of, or intended to be made use of by him or her for the distillation or keeping of spirituous liquors, and upon the door or usual entrance of each vault, cellar or apartment within the same, in which any of the said liquors shall be at any time by him or her distilled, deposited or kept, or intended so to be, the words "Distiller of Spirits;" and every such distiller shall within three days before he or she shall begin to distil therein, make a particular entry in writing, at the nearest office of inspection, if within ten miles thereof, of every such house, building or place, and of each vault, cellar and apartment within the same, in which he or she shall intend to carry on the business of distilling, or to keep any spirits by him or her distilled. And if any such distiller shall omit to paint or write, or cause to be painted or written the words aforesaid, in manner aforesaid, upon any such house or other building or place, or vault, cellar or apartment thereof, or shall, in case the same be situate within the said distance of ten miles of any office of inspection, omit to make entry thereof as aforesaid, such distiller shall, for every such omission or neglect, forfeit one hundred dollars, and all the spirits which he or she shall keep therein, or the value thereof, to be computed at the highest price of such spirits in the market; to be recovered by action, with costs of suit, in any court proper to try the same, in the name of the supervisor of the district within which such omission or neglect or omission shall be, for the use of the United States: *Provided always, and be it further enacted*, That the said entry to be made by persons who shall be distillers of spirits, on the first day of July next, shall be made on that day, or within three days thereafter, accompanied (except where the duties hereby imposed are charged on the still) with a true and particular account or inventory of the spirits, on that day and at the time, in every or any house, building or place by him or her entered; and of the casks, cases and vessels containing the same, with their marks and numbers, and the quantities and qualities of the spirits therein contained, on pain of forfeiting for neglect to make such entry, or to deliver such account, the sum of one hundred dollars, and all the spirits by him or her had or kept in any such house, building or place; to be recovered as aforesaid.

SEC. 26. *And be it further enacted*, That the supervisor of the revenue for the district wherein any house, building or place shall be situate, whereof entry shall be made as last aforesaid, shall as soon as may be thereafter, visit and inspect, or cause to be visited and inspected by some proper officer or officers of inspection, every such house or other building or place within his district, and shall take or cause to be taken, an exact account of the spirits therein respectively contained, and shall mark or cause to be marked in durable characters, the several casks, cases or vessels containing the same, with progressive numbers, and also with the name of each distiller to whom the same may belong, or in whose custody the same may be, and the quantities, kinds and proofs of spirits therein contained, and these words, "Old Stock." And the inspector of each survey shall keep a book, wherein he shall enter the name of every distiller, and the particulars of such old stock in the possession of each, designating the several casks, cases and vessels containing the same, and their respective quantities, kinds, proofs and marks,

Distillers to place their occupations on the outside of their distilleries;

and furnish the inspector with an account of their buildings, &c.;

penalty in case of neglect thereof.

When the entry is to be furnished, and

forfeiture in case of neglect.

Supervisors to inspect by entering buildings, &c.

and take an account of the spirits therein, and brand the casks;

an entry of which shall be made by the inspector,



and a certificate given to the proprietor.

and shall also give a certificate to every such distiller of the quantity and particulars of such old stock in his or her possession, and a separate certificate for each cask, case or vessel describing the same, which certificate shall accompany the same wheresoever it shall be sent, and such distiller, his or her agent or manager, upon the sale and delivery of any of the said spirits shall deliver to the purchaser or purchasers thereof, the certificates or certificates that ought to accompany the same, on pain of forfeiting fifty dollars for each cask, case or vessel, with which such certificate shall not be delivered.

Importers of distilled spirits when to make entry thereof, and duty of the inspectors thereupon;

SEC. 27. *And be it further enacted*, That every importer of distilled spirits, who, on the first day of July next, shall have in his or her possession any distilled spirits, shall, within three days thereafter, make due entry thereof with the officer of inspection within whose survey the same shall then be; who shall mark the casks, vessels or cases containing such spirits, in like manner as is herein before directed touching such spirits as shall be in the possession of distillers on the first day of July next, and shall grant the like certificates therefor as for such spirits, which certificates shall accompany the respective casks, cases and vessels to which they shall relate, wheresoever they shall be sent, and such importer, his or her agent, upon the sale and delivery of any of the said spirits, shall deliver to the purchaser or purchasers thereof the certificate or certificates which ought to accompany the same, on pain of forfeiting fifty dollars for each cask, case or vessel with which such certificate shall not be delivered. And if any such importer or importers shall refuse or neglect to make such entry at the time and in the manner herein directed, all such spirits as shall not be so entered shall be forfeited, and the importer or importers in whose custody the same shall be found, shall moreover forfeit the sum equal to the full value thereof, according to the highest price of such spirits in the market.

penalty for neglecting to make such entries.

Distilled spirits not branded nor accompanied by a certificate,

liable to forfeiture.

SEC. 28. *And be it further enacted*, That if any cask, case, or vessel containing distilled spirits, which by the foregoing provisions of this act, ought to be marked and accompanied with a certificate, shall be found in the possession of any person unaccompanied with such marks and certificate, it shall be presumptive evidence that the same are liable to forfeiture, and it shall be lawful for any officer of inspection to seize them as forfeited; and if, upon the trial in consequence of such seizure, the owner or claimant of the spirits seized, shall not prove that the same were imported into the United States according to law, or were distilled as mentioned in the thirteenth and fourteenth sections of this act, and the duties thereupon paid, or were distilled at one of the stills mentioned in the twentieth section of this act, they shall be adjudged to be forfeited.

SEC. 29. *And be it further enacted*, That it shall be lawful for the officers of inspection of each survey at all times in the daytime, upon request, to enter into all and every the houses, store-houses, ware-houses, buildings and places which shall have been entered in manner aforesaid, and by tasting, gauging or otherwise, to take an account of the quantity, kinds and proofs of the said spirits therein contained; and also to take samples thereof, paying for the same the usual price.

Penalty for defacing marks on vessels.

SEC. 30. *And be it further enacted*, That if any person or persons shall rub out or deface any of the marks set upon any cask, vessel or case pursuant to the directions of this act, such person or persons shall, for every such offence, forfeit and pay the sum of one hundred dollars.

No vessels marked to be used for other spirits.

SEC. 31. *And be it further enacted*, That no cask, barrel, keg, vessel or case, marked as "Old Stock," shall be made use of by any distiller of spirits, for putting or keeping therein any spirits other than those which were contained therein when so marked, on pain of forfeiting the sum of one hundred dollars for every cask, barrel, keg, vessel or case wherein any such spirits shall be so put or kept; neither shall any

such distiller have or keep any distilled spirits in any such cask, barrel, keg, vessel or case, longer than for the space of one year from the said last day of June next, on pain of forfeiting the said spirits: *Provided*, That nothing in this section contained shall be construed to extend to casks or vessels, capable of containing two hundred gallons and upwards, and which are not intended to be removed.

SEC. 32. *And be it further enacted*, That in case any of the said spirits shall be fraudulently deposited, hid or concealed in any place whatsoever, with intent to evade the duties thereby imposed upon them, they shall be forfeited. And for the better discovery of any such spirits so fraudulently deposited, hid or concealed, it shall be lawful for any judge of any court of the United States, or either of them, or for any justice of the peace, upon reasonable cause of suspicion, to be made out to the satisfaction of such judge or justice, by the oath or affirmation of any person or persons, by special warrant or warrants under their respective hands and seals, to authorize any of the officers of inspection, by day, in the presence of a constable or other officer of the peace, to enter into all and every such place or places in which any of the said spirits shall be suspected to be so fraudulently deposited, hid or concealed, and to seize and carry away any of the said spirits which shall be there found so fraudulently deposited, hid or concealed, as forfeited.

SEC. 33. *And be it further enacted*, That after the last day of June next, no spirituous liquors except gin or cordials in cases, jugs or bottles, shall be brought from any foreign port or place, in casks of less capacity than fifty gallons at the least, on pain of forfeiting of the said spirits, and of the ship or vessel in which they shall be brought: *Provided always*, That nothing in this act contained shall be construed to forfeit any spirits for being imported or brought into the United States, in other casks or vessels than as aforesaid, or the ship or vessel in which they shall be brought, if such spirits shall be for the use of the seamen on board such ship or vessel, and shall not exceed the quantity of four gallons for each seaman.

SEC. 34. *And be it further enacted*, That in every case in which any of the said spirits shall be forfeited by virtue of this act, the casks, vessels and cases containing the same, shall also be forfeited.

SEC. 35. *And be it further enacted*, That every distiller of spirits, on which the duty is hereby charged by the gallon, shall keep or cause to be kept, an exact account of the said spirits, which he or she shall sell, send out or distil, distinguishing their several kinds and proofs; and shall every day make a just and true entry in a book, to be kept for that purpose, of the quantities and particulars of the said spirits by him or her sold, sent out or distilled on the preceding day; specifying the marks of the several casks in which they shall be so sold or sent out, and the person to whom and for whose use they shall be so sold or sent out: which said books shall be prepared for the making such entries, and shall be delivered upon demand, to the said distillers, by the supervisors of the revenue of the several districts, or by such person or persons as they shall respectively for that purpose appoint, and shall be severally returned or delivered at the end of each year, or when the same shall be respectively filled up, (which shall first happen) to the proper officers of inspection; and the truth of the entries made therein shall be verified, upon the oath or affirmation of the person by whom those entries shall have been made, and as often as the said books shall be furnished upon like demand by the proper officers of inspection, to the said distillers respectively. And the said books shall from time to time while in the possession of the said distillers, lie open for the inspection of, and upon request shall be shown to the proper officers of inspection under whose survey the said distillers shall respectively be, who

How long liquors shall be kept.

Proviso in case of certain vessels.

Spirits fraudulently concealed to be forfeited.

Suspected places to be searched by warrant of a judge or justice of the peace.

Spirituous liquors except gin or cordials in certain vessels to be forfeited

Proviso.

Forfeiture of casks, vessels and cases.

Distillers to make entries of the kinds and quantity of spirits.

To be examined by officers of inspection;

penalty for refusal or neglect.

Penalties imposed by this act,

not to extend in certain cases.

Proof of spirits how distinguished.

Secretary of the Treasury to provide instruments for ascertaining them.

Proceedings in case of seizures by officers of inspection.

Damages for want of proper certificates, or negligence, to be sustained by the officers.

Penalty on supervisors, &c. convicted of oppression or extortion.

No fees to be taken for certificates granted.

Penalty on officers for neglect of duty.

may take such minutes, memorandums, or transcripts thereof, as they may think fit. And if any such distiller shall neglect or refuse to keep such book or books, or to make such entries therein, or to show the same upon request, to the proper officer of inspection, or not return the same according to the directions of this act, he or she shall forfeit for every such refusal or neglect, the sum of one hundred dollars.

SEC. 36. *And be it further enacted*, That the penalties by this act imposed on distillers for neglecting to make report to the inspectors, of their intentions of distilling spirits, or for neglecting to mark the houses, apartments or vessels to be employed, or for neglecting to enter in books the quantity of spirits distilled, shall not extend to any person who shall employ one still only, and that of a capacity not exceeding fifty gallons, including the still-head.

SEC. 37. *And be it further enacted*, That the several kinds of proof herein before specified shall, in marking the casks, vessels and cases containing any distilled spirits, be distinguished, corresponding with the order in which they are mentioned, by the words "FIRST PROOF"—"SECOND PROOF"—"THIRD PROOF"—"FOURTH PROOF"—"FIFTH PROOF"—"SIXTH PROOF." And that it be the duty of the Secretary of the Treasury, to provide and furnish to the officers of inspection and of the customs, proper instruments for ascertaining the said several proofs.

SEC. 38. *And be it further enacted*, That in any prosecution or action which may be brought against any supervisor or other officer of inspection, for any seizure by him made, it shall be necessary for such supervisor or officer to justify himself by making it appear that there was probable cause for making the said seizure; upon which, and not otherwise, a verdict shall pass in his favour. And in any such action or prosecution, or in any action or prosecution which may be brought against such supervisor or other officer, for irregular or improper conduct in the execution of his duty, the trial shall be by jury. And in any action for a seizure, in which a verdict shall pass for such officer, the jury shall nevertheless assess reasonable damages for any prejudice or waste (according to the true amount in value thereof) which shall be shown by good proof to have happened to the spirits seized, in consequence of such seizure; and also for the detention of the same, at the rate of six per cent. per annum, on the true value of the said spirits at the time of such seizure, from that time to the time of restoration thereof; which shall be paid out of the treasury of the United States: *Provided*, That no damages shall be assessed when the seizure was made for want of the proper certificate or certificates, or by reason of a refusal to show any officer of inspection, upon his request, the spirits in any entered house, building or place: *And provided also*, That if it shall appear from the verdict of the jury, that any such prejudice or waste was sustained by the negligence of the officer, he shall be responsible therefor to the United States.

SEC. 39. *And be it further enacted*, That if any supervisor or other officer of inspection, in any criminal prosecution against him, shall be convicted of oppression or extortion in the execution of his office, he shall be fined not exceeding five hundred dollars, or imprisoned not exceeding six months, or both, at the discretion of the court; and shall also forfeit his office.

SEC. 40. *And be it further enacted*, That no fee shall be taken for any certificate to be issued or granted pursuant to this act.

SEC. 41. *And be it further enacted*, That if any of the said supervisors or other officers of inspection, shall neglect to perform any of the duties hereby enjoined upon them respectively, according to the true intent and meaning of this act, whereby any person or persons shall be injured or suffer damage, such person or persons shall and may have an action founded upon this act, against such supervisors or other officers,

and shall recover full damages for the same, together with costs of suit.

SEC. 42. *And be it further enacted*, That any action or suit to be brought against any person or persons, for any thing by him or them done in pursuance of this act, shall be commenced within three months next after the matter or thing done, and unless brought in a court of the United States, shall be laid in the county in which the cause of action shall have arisen; and the defendant or defendants in any such action or suit, may plead the general issue, and on the trial thereof give this act and the special matter, in evidence; and if a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs become nonsuited, or discontinue his, her or their action or prosecution, or judgment shall be given against such plaintiff or plaintiffs, upon demurrer or otherwise, then such defendant or defendants shall have costs awarded to him, her or them, against such plaintiff or plaintiffs.

And in order that persons who may have incurred any of the penalties of this act, without wilful negligence or intention of fraud, may be relieved from such penalties,

SEC. 43. *Be it further enacted*, That it shall be lawful for the judge of the district within which such penalty or forfeiture shall have been incurred, at any time within one year after the last day of June next, upon petition of the party who shall have incurred the same, to inquire in a summary way into the circumstances of the case, first causing reasonable notice to be given to the person or persons claiming such penalty or forfeiture, and to the attorney of such district; to the end that each may have an opportunity of showing cause against the mitigation or remission thereof; and shall cause the facts which shall appear upon such inquiry, to be stated and annexed to the petition, and direct their transmission to the secretary of the treasury of the United States, who shall thereupon have power to mitigate or remit such penalty or forfeiture, if it shall appear to him that such penalty or forfeiture was incurred without wilful negligence, or any design or intention of fraud, and to cause any spirits which may have been seized to be restored to the proprietor or proprietors, upon such terms and conditions as shall appear to him reasonable.

SEC. 44. *And be it further enacted*, That the one half of all penalties and forfeitures incurred by virtue of this act, except as above provided, shall be for the benefit of the person or persons who shall make a seizure, or who shall first discover the matter or thing whereby the same shall have been incurred; and the other half to the use of the United States. And such penalty and forfeiture shall be recoverable with costs of suit, by action of debt, in the name of the person or persons intitled thereto, or by information, in the name of the United States of America; and it shall be the duty of the attorney of the district wherein any such penalty or forfeiture may have been incurred, upon application to him, to institute or bring such information accordingly: *Provided always*, That no officer of inspection other than chief officer, or officers of a survey, shall be intitled to the benefit of any forfeiture unless notice of the seizure by him made, shall be by him given within forty-eight hours next after such seizure, to the said chief officer or officers; but in such case the United States shall have the entire benefit of such forfeiture.

SEC. 45. *And be it further enacted*, That if any person or persons shall counterfeit or forge, or cause to be counterfeited or forged any of the certificates herein before directed to be given, or shall knowingly or willingly accept or receive any false or untrue certificate with any of the said spirits, or shall fraudulently alter or erase any such certificate after the same shall be given, or knowingly or willingly publish or make use of such certificate so counterfeited, forged, false, untrue, altered or

Proceedings  
in case of suits,  
and when to be  
commenced.

Secretary of  
the Treasury  
authorized to  
mitigate or re-  
mit forfeitures  
and penalties in  
certain cases.

Appropriation  
of forfeitures  
and penalties.

Punishment  
of persons con-  
victed of coun-  
terfeiting certi-  
ficates.

erased, every person so offending, shall, for each and every offence, forfeit and pay the sum of five hundred dollars.

Persons convicted of false oath or affirmation, how to be punished.

SEC. 46. *And be it further enacted*, That any person or persons that shall be convicted of wilfully taking a false oath or affirmation, in any of the cases in which oaths or affirmations are required to be taken by virtue of this act, shall be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury.

Penalty for offering bribes to officers of revenue,

SEC. 47. *And be it further enacted*, That if any person or persons shall give, or offer to give any bribe, recompense or reward whatsoever, to any supervisor or other officer of inspection of the revenue, in order to corrupt, persuade or prevail upon such officer, either to do any act or acts contrary to his duty in the execution of this act, or to neglect or omit to do any act or thing which he ought to do in the execution of this act, or to connive at or to conceal any fraud or frauds relating to the duties hereby imposed on any of the said spirits, or not to discover the same, every such person or persons, shall for such offence, whether the same offer or proposal be accepted or not, forfeit and pay a sum not exceeding five hundred dollars.

and forcibly obstructing them in the execution of their duty.

SEC. 48. *And be it further enacted*, That if any person or persons shall forcibly obstruct or hinder any supervisor or other officer of inspection, in the execution of this act or of any of the powers or authorities hereby vested in him, or shall forcibly rescue or cause to be rescued, any of the said spirits after the same shall have been seized by any such supervisor or other officer, or shall attempt or endeavor so to do, all and every person and persons so offending, shall, for every such offence, for which no other penalty is particularly provided by this act, forfeit and pay a sum not exceeding two hundred dollars.

Supervisors entering into collusion, false marking any casks or vessels, or embezzling public money, how to be punished.

SEC. 49. *And be it further enacted*, That if any such supervisor or other officer, shall enter into any collusion with any person or persons for violating or evading any of the provisions of this act, or the duties hereby imposed, or shall fraudulently concur in the delivery of any of the said spirits, out of any house, building or place, wherein the same are deposited, without payment or security for the payment of the duties thereupon, or shall falsely or fraudulently mark any cask, case or vessel, contrary to any of the said provisions, or shall embezzle the public money or otherwise be guilty of fraud in his office, such supervisor or other officer shall for every such offence forfeit the sum of one thousand dollars, and upon conviction of any of the said offences, shall forfeit his office, and shall be disqualified for holding any other office under the United States.

Supervisors may administer oath or affirmation, and

powers vested in majority :

SEC. 50. *And be it further enacted*, That in every case in which an oath or affirmation is required by virtue of this act, it shall be lawful for the supervisors of the revenue, or any of them, or their lawful deputy, or the lawful deputy of one of them, where not more than one in a district, to administer and take such oath or affirmation. And that wherever there are more than one supervisor for one district, a majority of them may execute all and any of the powers and authorities hereby vested in the supervisors of the revenue : *Provided*, That this shall not be construed to make a majority necessary in any case in which, according to the nature of the appointment or service, and the true intent of this act, the authority is or ought to be several.

not to extend to cases where the authority ought to be several.

Allowance to exporters,

And for the encouragement of the export trade of the United States :

SEC. 51. *Be it further enacted*, That if any of the said spirits (whereupon any of the duties imposed by this act shall have been paid or secured to be paid) shall, after the last day of June next, be exported from the United States to any foreign port or place, there shall be an allowance to the exporter or exporters thereof, by way of drawback, equal to the duties thereupon, according to the rates in each case by this act imposed, deducting therefrom half a cent per gallon, and adding to

the allowance upon spirits distilled within the United States, from molasses, which shall be so exported, three cents per gallon, as an equivalent for the duty laid upon molasses by the said act making further provision for the payment of the debts of the United States: *Provided always*, That the said allowance shall not be made, unless the said exporter or exporters shall observe the regulations herein after prescribed: *And provided further*, That nothing herein contained shall be construed to alter the provisions in the said former act, concerning drawbacks or allowances, in nature thereof, upon spirits imported prior to the first day of July next.

under what restrictions.

SEC. 52. *And be it further enacted*, That in order to intitle the said exporter or exporters to the benefit of the said allowances, he, she or they shall, previous to putting or lading any of the said spirits on board of any ship or vessel for exportation, give twenty-four hours' notice at the least, to the proper officer of inspection of the port from which the said spirits shall be intended to be exported, of his, her or their intention to export the same, and of the number of casks, vessels and cases, or either of them, containing the said spirits so intended to be exported, and of the respective marks thereof, and of the place or places where the said spirits shall be then deposited, and of the place to which, and ship or vessel in which they shall be so intended to be exported. Whereupon it shall be the duty of the said officer to inspect, by himself or deputy, the casks, vessels and cases so noticed for exportation, and the quantities, kinds and proofs of the spirits therein, together with the certificates which ought to accompany the same according to the directions of this act, which shall be produced to him for that purpose; and if he shall find that the said casks, vessels and cases have the proper marks according to the directions of this act, and that the spirits therein correspond with the said certificates, he shall thereupon brand each cask, vessel or case with the word "Exportation:" and the said spirits shall, after such inspection, be laden on board the same ship or vessel, of which notice shall have been given, and in the presence of the same officer who shall have examined the same, and whose duty it shall be to attend for that purpose. And after the said spirits shall be laden on board such ship or vessel, the certificates aforesaid shall be delivered to the said officer, who shall certify to the collector of the said district, the amount and particulars of the spirits so exported, and shall also deliver the said certificates which shall have been by him received, to the said collector, which shall be a voucher to him, for payment of the said allowance.

Proceedings to obtain drawback, or allowance on exportation.

SEC. 53. *Provided nevertheless, and be it further enacted*, That the said allowance shall not be made, unless the said exporter or exporters shall make oath, or affirmation, that the said spirits so noticed for exportation, and laden on board such ship or vessel, are truly intended to be exported to the place whereof notice shall have been given, and are not intended to be relanded within the United States; and that he or she doth verily believe that the duties thereupon charged by this act, have been duly paid, or secured to be paid; and shall also give bond to the collector, with two sureties, one of whom shall be the master, or other person having the command or charge of the ship or vessel in which the said spirits shall be intended to be exported; the other, such sufficient person as shall be approved by the said collector, in the full value in the judgment of the said collector, of the said spirits so intended to be exported, with condition that the said spirits (the dangers of the seas and enemies excepted) shall be really and truly exported to, and landed in some port or place without the limits of the United States, and that the said spirits shall not be unshipped from on board of the said ship or vessel, whereupon the same shall have been laden for exportation, within the said limits, or any ports or harbors of

Upon what proof the allowance shall be made,

the United States, or relanded in any other part of the same (shipwreck or other unavoidable accident excepted).

and when paid.

SEC. 54. *Provided also, and be it further enacted*, That the said allowance shall not be paid until six months after the said spirits shall have been so exported: *And provided also*, That whenever the owner of any ship or vessel, on board of which any such spirits are laden for exportation, shall make known to the collector, previous to the departure of such ship or vessel from the port where such spirits are laden, that such ship or vessel is not going to proceed the voyage intended or the voyage is altered, it shall be lawful for the collector to grant a permit for the relanding the same.

Forfeiture where spirits shipped for exportation shall be relanded within United States, excepting in certain cases.

SEC. 55. *And be it further enacted*, That if any of the said spirits, after the same shall have been shipped for exportation, shall be unshipped for any purpose whatever, either within the limits of any part of the United States, or within four leagues of the coast thereof, or shall be relanded within the United States, from on board the ship or vessel wherein the same shall have been laden for exportation, unless the voyage shall not be proceeded on, or shall be altered as aforesaid, or unless in case of necessity or distress to save the ship and goods from perishing, which shall be immediately made known to the principal officer of the customs, residing at the port nearest to which such ship or vessel shall be at the time such necessity or distress shall arise, then not only the spirits so unshipped, together with the casks, vessels and cases containing the same, but also the ship or vessel in or on board which the same shall have been so shipped or laden, together with her guns, furniture, ammunition, tackle and apparel; and also the ship, vessel or boat into which the said spirits shall be unshipped or put, after the unshipping thereof, together with her guns, furniture, ammunition, tackle and apparel, shall be forfeited, and may be seized by any officer of the customs, or of inspection.

On spirits exported in other than a ship or vessel of 30 tons and upwards, allowance not to be made.

SEC. 56. *And be it further enacted*, That the said allowance shall not be made when the said spirits shall be exported in any other than a ship or vessel of the burthen of thirty tons and upwards, to be ascertained to the satisfaction of the collector of the district from which the same shall be intended to be exported.

When bonds may be discharged, and under certain proofs;

SEC. 57. *And be it further enacted*, That the bonds to be given as aforesaid, shall and may be discharged by producing within one year from the respective dates thereof (if the same be shipped to any part of Europe or America, and within two years if shipped to any part of Asia or Africa, and if the delivery of the spirits in respect to which the same shall have been given, be at any place where a consul or other agent of the United States resides) a certificate of such consul or agent, or if there be no such consul or agent, then a certificate of any two known and reputable American merchants, residing at the said place; and if there be not two such merchants residing at the said place, then a certificate of any other two reputable merchants, testifying the delivery of the said spirits at the said place. Which certificate shall in each case be confirmed by the oath or affirmation of the master and mate, or other like officer of the vessel in which the said spirits shall have been exported; and when such certificate shall be from any other than a consul or agent, or merchants of the United States, it shall be a part of the said oath or affirmation, that there were not upon diligent inquiry, to be found two merchants of the United States at the said place: *Provided always*, That in the case of death, the oath or affirmation of the party dying, shall not be deemed necessary: *And provided further*, That the said oath or affirmation, taken before the chief civil magistrate of the place of the said delivery, and certified under his hand and seal, shall be of the same validity as if taken before a person qualified to administer oaths within the United States; or such bonds shall and may be dis-

charged upon proof that the spirits so exported, were taken by enemies or perished in the sea, or destroyed by fire; the examination and proof of the same being left to the judgment of the collector of the customs, naval officer, and chief officer of inspection, or any two of them, of the place from which such spirits shall have been exported. And in cases where the certificates herein directed cannot be obtained, the exporter or exporters of such spirits, shall nevertheless be permitted to offer such other proof as to the delivery of the said spirits, without the limits of the United States, as he or they may have; and if the same shall be deemed sufficient by the said collector, he shall allow the same, except when the drawback to be allowed, shall amount to one hundred dollars or upwards; in all which cases the proofs aforesaid shall be referred to the comptroller of the treasury, whose decision thereon shall be final.

to be referred to comptroller of treasury, whose decision thereon shall be final.

SEC. 58. *And be it further enacted*, That it shall and may be lawful for the President of the United States from time to time, to make such allowances to the said supervisors, inspectors, and to the deputies and officers by them to be appointed and employed for their respective services in the execution of this act, to be paid out of the product of the said duties, as he shall deem reasonable and proper: *Provided always*, That the aggregate amount of the allowances to all the said supervisors, inspectors and other officers, shall not exceed seven per cent. of the whole product of the duties arising from the spirits distilled within the United States: *And provided also*, That such allowance shall not exceed the annual amount of forty-five thousand dollars, until the same shall be further ascertained by law.

President authorized to make allowance to supervisors, &c. for their services, out of the product of the duties,

not to exceed \$45,000 annually.

SEC. 59. *And be it further enacted*, That this act shall commence and take effect as to all matters therein contained, in respect to which no special commencement is hereby provided (except as to the appointment of officers and regulation of the districts and surveys) from and immediately after the last day of June next.

Commencement of this act.

SEC. 60. *And be it further enacted*, That the nett product of the duties herein before specified, which shall be raised, levied and collected by virtue of this act, or so much thereof as may be necessary, shall be, and is hereby pledged and appropriated for the payment of the interest of the several and respective loans which had been made in foreign countries, prior to the fourth day of August last; and also upon all and every the loan and loans which have been and shall be made, and obtained pursuant to the act, intituled "An act making provision for the debt of the United States;" and according to the true intent and meaning of the said act, and of the several provisions and engagements therein contained and expressed, and subject to the like priorities and reservations as are made and contained in and by the said act, in respect to the monies therein appropriated, and subject to this farther reservation, that is to say—Of the nett amount or product during the present year, of the duties laid by this act, in addition to those heretofore laid upon spirits imported into the United States, from any foreign port or place, and of the duties laid by this act on spirits distilled within the United States, and on stills; to be disposed of towards such purposes for which appropriations shall be made during the present session. And to the end that the said monies may be inviolably applied in conformity to the appropriation hereby made, and may never be diverted to any other purpose until the final redemption, or reimbursement of the loans or sums for the payment of the interest whereof they are appropriated, an account shall be kept of the receipts and disposition thereof, separate and distinct from the product of any other duties, impost, excise, and taxes whatsoever, except those heretofore laid and appropriated to the same purposes.

Nett product of duties pledged for payment of interest on loans;

1790, ch. 34.

and to be inviolably applied thereto.

SEC. 61. *And be it further enacted*, That the unappropriated surplus, if any there shall be, of the revenue arising under this act, at the end



Unappropriated surplus how to be applied.

1790, ch. 34.

1790, ch. 47.

Duties hereby imposed how long to continue.

of this and every succeeding year, shall be applied to the reduction of the public debt, in like manner as is directed by the act, intituled "An act making provision for the reduction of the public debt," and provided by the act, intituled "An act making provision for the debt of the United States;" unless the said surplus, or any part thereof, shall be required for the public exigencies of the United States, and shall, by special acts of Congress, be appropriated thereto.

SEC. 62. *And be it further enacted*, That the several duties imposed by this act, shall continue to be collected and paid, until the debts and purposes for which they are pledged and appropriated, shall be fully discharged and satisfied, and no longer. *Provided always*, That nothing herein contained, shall be construed to prevent the legislature of the United States from substituting other duties or taxes of equal value to all or any of the said duties and imposts.

APPROVED, March 3, 1791.

### STATUTE III.

March 3, 1791.

CHAP. XVI.—*An Act making an appropriation for the purpose therein mentioned.*

\$20,000 appropriated for effecting a recognition of the treaty with emperor of Morocco; and

1791, ch. 15.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That for the purpose of effecting a recognition of the treaty of the United States, with the new emperor of Morocco, there be, and hereby is appropriated a sum not exceeding twenty thousand dollars, to be paid out of the monies which prior to the first day of January next, shall arise from the duties imposed upon spirits distilled within the United States, and from stills by the act, entitled "An act repealing after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the United States, and for appropriating the same," together with the excess of duties which may arise from the duties imposed by the said act, on imported spirits beyond those which would have arisen by the act entitled "An act making further provision for the payment of the debts of the United States." And the President is hereby authorized to take on loan, the whole sum by this act appropriated, or so much thereof as he may judge requisite, at an interest not exceeding six per cent. per annum, and the fund established for the above mentioned appropriation, is hereby pledged for the repayment of the principal and interest of any loan to be obtained in manner aforesaid, and in case of any deficiency in the said fund, the faith of the United States is hereby also pledged to make good such deficiency.

APPROVED, March 3, 1791.

### STATUTE III.

March 3, 1791.

CHAP. XVII.—*An Act to amend "An act for establishing the temporary and permanent seat of the Government of the United States."*

Repealing certain part of the act fixing the permanent seat of government of U. States, and vesting the President with certain powers.

1790, ch. 28.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That so much of the act, intituled "An act for establishing the temporary and permanent seat of the government of the United States," as requires that the whole of the district of territory, not exceeding ten miles square, to be located on the river Potomac, for the permanent seat of the government of the United States, shall be located above the mouth of the Eastern Branch, be and is hereby repealed, and that it shall be lawful for the President to make any part of the territory below the said limit, and above the mouth of Hunting Creek, a part of the said district, so as to include a convenient part of the Eastern Branch, and of the lands lying on the lower side thereof, and also the town of Alexandria, and the territory

so to be included, shall form a part of the district not exceeding ten miles square, for the permanent seat of the government of the United States, in like manner and to all intents and purposes, as if the same had been within the purview of the above recited act: *Provided*, That nothing herein contained, shall authorize the erection of the public buildings otherwise than on the Maryland side of the river Potomac, as required by the aforesaid act.

APPROVED, March 3, 1791.

STATUTE III.

CHAP. XVIII.—*An Act supplemental to the act "establishing the Treasury Department," and for a farther compensation to certain officers.*

March 3, 1791.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the eighth section of the act, intituled "An act to establish the treasury department," passed the second day of September, one thousand seven hundred and eighty-nine, shall be, and the same is hereby extended to all and every of the clerks employed in the treasury department, as fully and effectually as if they and every of them were specially named therein, except as to the penalty in such section mentioned, which in case of any such clerk offending against the provisions of the said section, shall be five hundred dollars, and removal from office.

8th section of act establishing treasury department extended to clerks under certain modifications.

Sept. 2, 1789, ch. 12.

1789, ch. 13.  
1792, ch. 37, sec. 12.

Sec. 2. *And be it further enacted*, That each and every clerk and other officer already appointed in any of the departments of the United States, (and who have not, since their appointment, taken the oath or affirmation hereafter mentioned) shall within fifteen days after the passing of this act, and those who shall hereafter be appointed, shall before they enter upon the duties of such appointment, take an oath or affirmation before one of the justices of the supreme court, or one of the judges of a district court of the United States, to support the constitution of the United States, and also an oath or affirmation, well and faithfully to execute the trust committed to him, which oaths or affirmations, subscribed by such clerk, and certified by the person administering the same, shall be filed in the office of the person employing such clerk.

Clerks and other officers to take an oath or affirmation;

to be filed in the office where employed.

Sec. 3. *And be it further enacted*, That it shall and may be lawful for the principal in any of the offices of the United States, who is authorized by law to appoint clerks under him, to allow to each clerk such compensation for his services, as he shall, in the opinion of such officer, deserve for the same: *Provided*, That the whole sum to be expended for clerks in any such office (except the chief clerk) shall not exceed a sum equal to five hundred dollars per annum for every clerk employed therein.

Principals may apportion the \$500 allowed to each, excepting chief, according to merit.

Sec. 4. *And be it further enacted by the authority aforesaid*, That there shall be allowed for one year, commencing with the passing of this act, to the register, two hundred and fifty dollars, and to the auditor, the comptroller of the treasury, and the attorney general, four hundred dollars each, in addition to their respective salaries, and to be paid in the same manner.

Additional allowance for one year to register, auditor, comptroller and attorney general.

APPROVED, March 3, 1791.

STATUTE III.

CHAP. XIX.—*An Act relative to the Rix-Dollar of Denmark*,

March 3, 1791.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That so much of an act, intituled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares and merchandise imported into the United States, and on the tonnage of ships or vessels," as hath rated the rix-dollar of Denmark at one hundred cents, be, and the same

Part of the act rating rix dollar of Denmark at 100 cents repealed.  
1799, ch. 22, sec. 61.

1790, ch. 35. is hereby repealed; and that this repeal shall be deemed to operate in respect to all duties which have already arisen or accrued, as well as to such as shall hereafter arise or accrue.

APPROVED, March 3, 1791.

### STATUTE III.

March 3, 1791.

CHAP. XX.—*An Act in addition to an act intituled "An act for establishing the salaries of the Executive officers of Government, with their assistants and clerks."*

1789, ch. 13.  
Further annual allowance of \$200 to chief clerk to the auditor.

1799, ch. 40.

Allowance of expenses in removing from New York to Philadelphia, to clerks employed in the several offices: and of \$400 for one year to assistant secretary of the treasury.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the passing of this act, there shall be allowed to the chief clerk of the auditor, the annual sum of two hundred dollars, in addition to the salary allowed to him by the act, intituled "An act establishing the salaries of the executive officers of government, with their assistants and clerks," to be paid at the treasury of the United States, in quarterly payments, and from like appropriations as may be assigned for the payment of the other salaries mentioned in the above recited act.

SEC. 2. *And be it further enacted*, That there be allowed to the clerks employed in the several offices attached to the seat of government, in addition to their respective salaries, their reasonable and necessary expenses incurred by the removal of Congress from the city of New York, to the city of Philadelphia.

SEC. 3. *And be it further enacted*, That there be allowed to the assistant secretary of the treasury, in addition to his salary for one year, commencing with the passing of this act, four hundred dollars, to be paid in the same manner as his salary.

APPROVED, March 3, 1791.

### STATUTE III.

March 3, 1791.

CHAP. XXI.—*An Act for making compensations to the Commissioners of Loans, for extraordinary expenses.*

Commissioners of loans to be allowed in settlement of accounts for necessary stationery,

and for hire of clerks.

1799, ch. 40, sec. 5.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the commissioners of loans in the several states shall be allowed in the settlement of their accounts, such sums as shall appear to have been necessarily expended by them in the purchase of stationery for the use of their several offices, from the commencement of the same to the first day of October next.

SEC. 2. *And be it further enacted*, That the commissioners of loans in the several states, shall be allowed in the settlement of their several accounts, such sums as they shall have necessarily expended for the hire of clerks to assist in executing the duties of their several offices, from the commencement of the same to the first day of October next.

APPROVED, March 3, 1791.

### STATUTE III.

March 3, 1791.

CHAP. XXII.—*An Act providing compensations for the officers of the Judicial Courts of the United States, and for Jurors and Witnesses, and for other purposes.*

Compensations to officers of the judicial court,  
Repealed 1792, ch. 36, sec. 8.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there be allowed to the several officers following in addition to the fees (except mileage to the marshals) to which they are otherwise by law intituled, and also to jurors and witnesses, in the courts of the United States, the following respective compensations, that is to say: To the attorney of the United States for the district, for his expenses and time in travelling from the place of his abode to any court of the United States, on which

his attendance shall be requisite, at the rate of ten cents per mile going, and the same allowance for returning; to the clerk of the district court, for attending in the district or circuit court, five dollars per day, and the like compensation for travelling, as is above allowed to the attorney for the district; to the clerk of the supreme court for attending in court, eight dollars per day; to the marshal of the district, for attending the supreme, circuit or district courts, five dollars per day; for summoning a grand jury, three dollars, and for summoning a petit jury, two dollars, and for serving and returning a writ, five cents per mile for his necessary travel; to the grand and petit jurors, each fifty cents per day for attending in court, and for travelling, at the rate of fifty cents for every ten miles from their respective places of abode, to the place where the court is held, and the like allowance for returning; to witnesses summoned on the part of the United States, or in behalf of any prisoner to be tried for any capital offence in any of the courts thereof, the same compensation as is above allowed to grand and petit jurors. That the several officers above specified shall be deemed to have been entitled to the above respective compensations, from the time of their respective appointments; and that the grand and petit jurors and witnesses, who have heretofore attended, shall also be deemed entitled to the above compensation, in like manner as those who shall hereafter attend. That there shall also be paid to the marshal, the amount of the expense for fuel, candles, and other reasonable contingencies for holding a court, as hath accrued or shall accrue; and the compensations to the grand and petit jurors and witnesses shall be included in the account of, and paid to the marshal, to the use of, and be by him accordingly paid over to the several persons entitled to the same; and the accounts of the several officers for the compensations aforesaid (except mileage to the marshal, for the service of writs in civil causes) having been previously examined and certified by the judge of the district, shall be passed in the usual manner at, and the amount thereof paid out of the treasury of the United States. And a sum arising from the fines and forfeitures to the United States, and equal to the amount thereof, is hereby appropriated for the payment of the above accounts.

to be paid at the treasury on certificate of judge, and sum arising from fines, &c. appropriated for payment of them.

SEC. 2. *And be it further enacted*, That instead of the provisions in that respect heretofore made, the first session of the circuit courts in the eastern circuit, after the passing of this act, shall commence at the times following, that is to say: In New York district, on the fifth, and in Connecticut district, on the twenty-fifth days of April next; in Massachusetts district, on the twelfth, and in New Hampshire district on the twenty-fourth days of May next; and in Rhode Island district, on the seventh day of June next; and the subsequent sessions in the respective districts, on the like days of every sixth calendar month thereafter, except when any of those days shall happen on a Sunday, and then the sessions shall commence on the next day following. And the sessions of the said circuit court shall be held in New Hampshire district, at Portsmouth and Exeter, alternately, beginning at the first; in Massachusetts district, at Boston; in Rhode Island district, at Newport and Providence, alternately, beginning at the first; in Connecticut district, at Hartford and New Haven, alternately, beginning at the last; and in New York district, at the city of New York only.

Altering the session of circuit courts in eastern circuit.

SEC. 3. *And be it further enacted*, That from and after the passing of this act, instead of the provisions in the act for that purpose, the sessions of the circuit court for the district of Virginia, shall be holden in the city of Richmond only.

Altering sessions of circuit court in Virginia.

SEC. 4. *And be it further enacted*, That this act shall continue in force until the end of the next session of Congress, and no longer.

APPROVED, March 3, 1791.

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STATUTE III.  
March 3, 1791.

Former act for temporary establishment of post-office continued.

1789, ch. 16.

Letters on public service to officers of the treasury to be conveyed free of postage.

Mail to be extended from Albany to Bennington.

STATUTE III.

March 3, 1791.

1792, ch. 35.

Act for mitigating or remitting forfeitures, &c. continued.

1790, ch. 12.

Pensions to invalids for one year to be paid out of the treasury.

Expenses from 1st July next of all lighthouses &c. to be defrayed by U. States till July 1792.

1792, ch. 17.

STATUTE III.

March 3, 1791.

Loan in Holland of 3,000,000 florins, at 5 percent. per annum,

1790, ch. 47.

CHAP. XXIII.—*An Act to continue in force for a limited time, an act intituled "An act for the temporary establishment of the Post-Office."*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the act passed the first session of Congress, intituled "An act for the temporary establishment of the post-office," be, and the same is hereby continued in full force until the end of the next session of Congress, and no longer.

SEC. 2. *And be it further enacted,* That all letters to and from the treasurer, comptroller and auditor of the treasury, and the assistant to the secretary of the treasury, on public service, shall be received and conveyed by the post, free of postage.

SEC. 3. *And be it further enacted,* That the postmaster general shall be and he is hereby authorized to extend the carrying the mail from Albany, in the state of New York, to Bennington in the state of Vermont.

APPROVED, March 3, 1791.

CHAP. XXIV.—*An Act to continue in force the act therein mentioned, and to make further provision for the payment of Pensions to Invalids, and for the support of lighthouses, beacons, buoys, and public piers.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the act, entitled "An act to provide for mitigating or remitting the forfeitures and penalties accruing under the revenue laws in certain cases therein mentioned," shall be and is hereby continued in force until the end of the next session of Congress, and no longer.

SEC. 2. *And be it further enacted,* That the yearly pensions which have been allowed by or in pursuance of any act or law of the United States, to persons who were wounded and disabled during the late war, shall for the space of one year from the fourth day of March next, be paid out of the treasury of the United States, under such regulations as the President of the United States may direct.

SEC. 3. *And be it further enacted,* That all expenses which shall accrue from the first day of July next, inclusively, for the necessary support, maintenance and repairs of all lighthouses, beacons, buoys, and public piers, shall continue to be defrayed by the United States, until the first day of July, in the year one thousand seven hundred and ninety-two, notwithstanding such lighthouses, beacons, buoys, or public piers, with the lands and tenements thereunto belonging, and the jurisdiction of the same, shall not in the mean time be ceded to or vested in the United States, by the state or states respectively, in which the same may be, and that the said time be further allowed to the states respectively, to make such cession: *Provided,* That nothing in the said act shall be construed to limit or restrain the power of the President of the United States, to grant pardons for offences against the United States.

APPROVED, March 3, 1791.

CHAP. XXV.—*An Act supplementary to the act making provision for the reduction of the Public Debt.*

WHEREAS it hath been made known to Congress that the President of the United States, in consequence of "An act making provision for the reduction of the public debt," hath caused a certain loan to be made in Holland, on account of the United States, to the amount of three millions of florins, bearing an interest of five per centum per annum, and reimbursable in six yearly instalments, commencing in the

year one thousand eight hundred, and ending in the year one thousand eight hundred and six, or at any time sooner, in whole or in part, at the option of the United States;

And whereas it hath been also stated to Congress, that the charges upon the said loan have amounted to four and a half per centum, whereby a doubt hath arisen, whether the said loan be within the meaning of the said last mentioned act, which limits the rate of interest to five per centum per annum;

And whereas it is expedient that the said doubt be removed;

*Be it enacted and declared by the Senate and House of Representatives of the United States of America in Congress assembled,* That the loan aforesaid shall be deemed and construed to be within the true intent and meaning of the said act, intituled "An act making provision for the reduction of the public debt," and that any farther loan, to the extent of the principal sum authorized to be borrowed by the said act, the interest whereof shall be five per centum per annum, and the charges whereof shall not exceed the said rate of four and a half per centum, shall, in like manner, be deemed and construed to be within the true intent and meaning of the said act.

APPROVED, March 3, 1791.

whereon the charges are four and a half per cent.

declared to be within the meaning of the act providing for the reduction of the public debt, and also further loans on the like terms.

1790, ch. 47.

#### STATUTE III.

March 3, 1791.

CHAP. XXVI.—*An Act making farther provision for the collection of the duties by law imposed on Teas, and to prolong the term for the payment of the Duties on Wines.*

WHEREAS it is conceived that the following regulations concerning teas may be conducive both to the accommodation of the importers thereof, and to the security of the revenue:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in addition to the provisions contained in the fortieth and forty-first sections of the act, intituled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares and merchandise imported into the United States, and on the tonnage of ships or vessels," as they regard the payment, or securing the payment of the duties on teas, it shall be lawful for every importer of teas, if he or she shall elect so to do, to give his or her bond to the collector of the district in which any of the said teas shall be landed, in double the amount of the duties thereupon, with condition for the payment of the said duties in two years from the date of such bond; which bond shall be accepted by such collector, without surety, upon the terms following; that is to say: The teas, for the duties whereof the said bond shall be accepted, shall be deposited at the expense and risk of the said importer, in one or more storehouse or storehouses, as the case may require, to be agreed upon between the said importer and the inspector, or other officer of inspection of the revenue, for the port where the said teas shall be landed; and upon every such storehouse, the said inspector or officer of inspection shall cause to be affixed two locks, the key of one of which locks shall be kept by such importer, his or her agent, and the key of the other of which locks shall be kept by the said inspector, or by such other person as he shall depute and appoint in that behalf; whose duty it shall be to attend at all reasonable times, for the purpose of delivering the said teas out of the said storehouse or storehouses. But no delivery shall be made of any of the said teas without a permit in writing, under the hand of the said inspector or officer of inspection. And in order to the obtaining of such permit, it shall be necessary that the duties upon the teas, for which the same shall be required, be first paid, or, at the option of the party or parties applying for the same, secured to be paid in manner following; that is to say: The said party or parties shall

1799, ch. 22.

1790, ch. 35.

Importers of teas to give bond for double the amount of the duties thereon, payable in two years, and

deposit the teas in storehouses.

No delivery thereof to be made without a permit, and no permit granted without the duties first paid or secured.

Time allowed  
for payment of  
duties not to be  
extended.

Teas deposited  
on which duties  
are not paid nor  
secured,

to be sold by  
collector for  
that purpose  
and overplus re-  
turned to the  
owner.

Bonds for mo-  
nies or duties to  
be taken in the  
name of the U.  
States, and

delivered to col-  
lector of the  
district wherein  
they are to be  
collected.

Teas imported  
after April next  
to be landed  
under inspec-  
tion of inspec-  
tors;

permits given  
for its landing  
entered by them  
and the chests  
containing it  
marked, and

correspondent  
certificates  
granted.

give bond with one or more surety or sureties to the satisfaction of the said inspector, in double the amount of the duties upon the quantity of teas in each case to be delivered, with condition for the payment of the said duties, if the same shall not exceed one hundred dollars, in four months; or, if the same shall exceed one hundred dollars, and shall not exceed five hundred dollars, in eight months; or, if the same shall exceed five hundred dollars, in twelve months: *Provided always*, That the time to be allowed for the payment of the duties upon any parcel of teas to be delivered, shall not be such as to extend the credit for such duties beyond the term of two years originally allowed upon the depositing of the said teas.

SEC. 2. *And be it further enacted*, That if the duties on any parcel of teas, which shall have been deposited as aforesaid, shall not have been paid or secured to be paid in manner last specified, within the term of two years, according to the condition of the obligation to be given to the collector of the district within which the same shall have been landed, it shall be the duty of the said collector to cause so much of the said teas, as may be necessary, to be sold at public auction, and retaining the sum which shall not have been so paid or secured of the said duties, together with the expenses of safe keeping and sale of the said teas, shall return the overplus, if any, to the owner or owners thereof, his, her, or their agent or lawful representative.

SEC. 3. *And be it further enacted*, That the bonds which have been or shall be directed to be given, by this or any other act, for monies or duties to be paid or performed to the United States, shall be taken in the name of the United States of America; unless special direction shall have been given to take them in some other name. And the bonds to be taken as aforesaid, by any inspector of the revenue, shall be delivered by him forthwith to the collector of the district within which the teas, to which they may relate, shall have been landed, in order to the collection of the monies therein specified. And the permits which shall have been granted by such inspector, for the delivery of any teas, out of any storehouse wherein they shall have been deposited, shall be received by such collector towards satisfying any bond, which shall have been, in the first instance, taken by the said collector, touching the said teas; which permits shall therefore specify the amount of the duties which shall have been paid or secured upon the teas to be delivered in virtue thereof; and the name of the ship or vessel in which they shall have been imported, and of the importer or importers thereof.

SEC. 4. *And be it further enacted*, That all teas which, after the first day of April next, shall be imported into the United States from any foreign port or place, shall be landed under the care of the inspectors of the revenue for the ports where the same shall be respectively landed; and for that purpose every permit which shall be granted by any collector, for landing the same, shall, prior to such landing, be produced to the said inspector, who by an endorsement thereupon under his hand, shall signify the production thereof to him, and the time when; after which, and not otherwise, it shall be lawful to land the teas mentioned in such permit. And the said inspector shall make an entry of all such permits, and of the contents thereof; and each chest, box or package containing any teas, shall be marked by the officer under whose immediate inspection the same shall be landed, in legible and durable characters, with progressive numbers, and with the name of the vessel in which the same shall have been imported. And the said officer shall grant a certificate for each such chest, box or package, specifying therein the name or names of the importer or importers, the ship or vessel in which the same shall have been imported, and the number thereof to accompany the same wheresoever it shall be sent.

And whereas, for the payment of the duties accruing on Maderia

wines, and which may be secured by bond, the term of twelve months is allowed; and it is proper to extend, in like manner, the payment of the duties accruing on other wines;

SEC. 5. *Therefore, be it enacted*, That for the payment of the duties on other than Maderia wines, and which shall be secured by bond, such bond shall be taken with condition for the payment of the duties in twelve months, in like manner as by law is directed for the payment of the duties on Maderia wines.

APPROVED, March 3, 1791.

Term for payment of the duties on wine prolonged.

CHAP. XXVII.—*An Act for granting lands to the Inhabitants and settlers at Vincennes and the Illinois country, in the territory northwest of the Ohio, and for confirming them in their possessions.*

STATUTE III.

March 3, 1791.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That four hundred acres of land be given to each of those persons, who in the year one thousand seven hundred and eighty-three, were heads of families at Vincennes or in the Illinois country, on the Mississippi, and who since that time have removed from one of the said places to the other. And the governor of the territory northwest of the Ohio is hereby directed, to cause the same to be laid out for them, at their own expense, either at Vincennes or in the Illinois country, as they shall severally elect.

400 acres of land granted to each head of a family, and

1804, ch. 35,  
sec. 3.  
1807, ch. 34.  
1793, ch. 10.

SEC. 2. *And be it further enacted and declared*, That the heads of families at Vincennes or in the Illinois country in the year one thousand seven hundred and eighty-three, who afterwards removed without the limits of the said territory, are notwithstanding, entitled to the donation of four hundred acres of land made by the resolve of Congress of the twenty-ninth of August, one thousand seven hundred and eighty-eight; and the governor of the said territory, upon application to him for that purpose, is hereby directed to cause the same to be laid out for such heads of families or their heirs; and shall also cause to be laid off and confirmed to such persons the several tracts of land which they may have possessed, and which before the year one thousand seven hundred and eighty-three may have been allotted to them according to the laws and usages of the government under which they had respectively settled: *Provided nevertheless*, That if such persons or their heirs do not return and occupy the said lands within five years, such lands shall be considered as forfeited to the United States.

also to those who have removed from said territory,

if they return within five years.

SEC. 3. *And be it further enacted*, That one hundred and fifty acres of land, heretofore in possession of the Piankeshaw Indians, and now under actual improvement, and constituting a part of the village of Vincennes, be given to the persons who are severally in possession of the said land.

Lands formerly possessed by Piankeshaw Indians confirmed to present possessors.

SEC. 4. *And be it further enacted*, That where lands have been actually improved and cultivated at Vincennes, or in the Illinois country, under a supposed grant of the same, by any commandant or court claiming authority to make such grant, the governor of the said territory be, and he hereby is empowered to confirm to the persons who made such improvements, their heirs or assigns, the lands supposed to have been granted as aforesaid, or such parts thereof as he, in his discretion, may judge reasonable, not exceeding to any one person, four hundred acres.

Improvers of lands claiming under a supposed grant, to have their claims confirmed.

1806, ch. 40.

SEC. 5. *And be it further enacted*, That a tract of land, containing about five thousand four hundred acres, which for many years has been fenced and used by the inhabitants of Vincennes as a common, also a tract of land including the villages of Cohos and Prairie du Pont, and heretofore used by the inhabitants of the said villages as a common, be, and the same are hereby appropriated to the use of the inhabitants of

Lands heretofore used as a common to be appropriated thereto.



Vincennes and of the said villages respectively, to be used by them as a common, until otherwise disposed of by law.

Militia men who have not obtained any donation of land, to receive 100 acres.

Appropriation of a tract for the Kaskaskia Indians.

Grant of to P. Gibault and St. Jam Beouvais.

Donation lands to be laid out according to act of Congress of June 20th, 1788.

SEC. 6. *And be it further enacted*, That the governor of the said territory be authorized to make a grant of land not exceeding one hundred acres, to each person who hath not obtained any donation of land from the United States, and who, on the first day of August, one thousand seven hundred and ninety, was enrolled in the militia at Vincennes or in the Illinois country, and has done militia duty, the said land to be laid out at the expense of the grantees, and in such form and place as the said governor shall direct. *Provided nevertheless*, That no claim founded upon purchase or otherwise, shall be admitted within a tract of land heretofore occupied by the Kaskaskia nation of Indians, and including their village, which is hereby appropriated to the use of the said Indians.

SEC. 7. *And be it further enacted*, That two lots of land heretofore in the occupation of the priests at Cahokia, and situated near that village, be, and the same is hereby granted in fee to P. Gibault; and that a tract of land at Kaskaskia, formerly occupied by the Jesuits, be laid off and confirmed to St. Jam Beouvais, who claims the same in virtue of a purchase thereof.

SEC. 8. *And be it further enacted*, That so much of the act of Congress of the twenty-eighth of August, one thousand seven hundred and eighty-eight, as refers to the locations of certain tracts of land directed to be run out and reserved for donations, to the ancient settlers in the Illinois country, be, and the same is hereby repealed, and the governor of the said territory is directed to lay out the same, agreeably to the act of Congress of the twentieth of June, one thousand seven hundred and eighty-eight.

APPROVED, March 3, 1791.

### STATUTE III.

March 3, 1791.

Repealed 1795, ch. 44.

An additional regiment to be raised of 912 men,

how organized.

1790, ch. 10.

Their pay and allowances.

Bounty for enlistment.

What officers may be appointed,

CHAP. XXVIII.—*An Act for raising and adding another Regiment to the Military Establishment of the United States, and for making further provision for the protection of the frontiers.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there shall be raised an additional regiment of infantry, which, exclusive of the commissioned officers, shall consist of nine hundred and twelve non-commissioned officers, privates and musicians.

SEC. 2. *And be it further enacted*, That the said regiment shall be organized in the same manner as the regiment of infantry described in the act, intituled "An act for regulating the military establishment of the United States."

SEC. 3. *And be it further enacted*, That the troops aforesaid by this act to be raised, including the officers, shall receive the same pay and allowances, be subject to the same rules and regulations, and be engaged for the like term, and upon the same conditions, in all respects, excepting the bounty herein after mentioned, as are stipulated for the troops of the United States, in the before-mentioned act.

SEC. 4. *And be it further enacted*, That each non-commissioned officer, private and musician, who has enlisted or shall enlist pursuant to the act aforesaid, or who shall enlist pursuant to this act, shall be entitled to receive six dollars as a bounty.

SEC. 5. *And be it further enacted*, That in case the President of the United States should deem the employment of a major-general, brigadier-general, a quartermaster and chaplain, or either of them, essential to the public interest, that he be, and he hereby is empowered, by and with the advice and consent of the Senate, to appoint the same accordingly.

And a major-general so appointed may choose his aid-de-camp, and a brigadier-general, his brigade-major, from the captains or subalterns of the line. *Provided always*, That the major-general and brigadier-general so to be appointed, shall respectively continue in pay during such term only, as the President of the United States in his discretion shall deem it requisite for the public service.

and how long  
continue in ser-  
vice.

SEC. 6. *And be it further enacted*, That in case a major-general, brigadier-general, quartermaster, aid-de-camp, brigade-major and chaplain should be appointed, their pay and allowances shall be, respectively, as herein mentioned: The major-general shall be entitled to one hundred and twenty-five dollars, monthly pay, twenty dollars allowance for forage monthly, and for daily subsistence fifteen rations, or money in lieu thereof at the contract price. The brigadier-general shall be entitled to ninety-four dollars, monthly pay, with sixteen dollars allowance for forage monthly, and for daily subsistence twelve rations, or money in lieu thereof at the contract price. That the quartermaster shall be intitled to the same pay, rations and forage, as the lieutenant-colonel commandant of a regiment. That the aid-de-camp be entitled, including all allowances, to the same pay, rations and forage, as a major of a regiment. That the brigade-major be entitled, including all allowances, to the same pay, rations and forage, as a major of a regiment. That the chaplain be entitled to fifty dollars per month, including pay, rations and forage.

Pay and al-  
lowances to the  
officers.

SEC. 7. *And be it further enacted*, That if, in the opinion of the President, it will be conducive to the good of the service, to engage a body of militia to serve as cavalry, they furnishing their own horses, arms and provisions, it shall be lawful for him to offer such allowances to encourage their engaging in the service, for such time and on such terms, as he shall deem it expedient to prescribe.

Authority to  
the President to  
employ militia  
cavalry,

SEC. 8. *And be it further enacted*, That if the President should be of opinion, that it will be conducive to the public service, to employ troops enlisted under the denomination of levies, in addition to, or in place of the militia, which in virtue of the powers vested in him by law, he is authorized to call into the service of the United States, it shall be lawful for him to raise, for a term not exceeding six months (to be discharged sooner if the public service will permit) a corps, not exceeding two thousand non-commissioned officers, privates and musicians, with a suitable number of commissioned officers. And in case it shall appear probable to the President, that the regiment directed to be raised by the aforesaid act and by this act, will not be completed in time to prosecute such military operations as exigencies may require, it shall be lawful for the President to make a substitute for the deficiency, by raising such farther number of levies, or by calling into the service of the United States such a body of militia as shall be equal thereto.

and levies, in  
addition to, or  
in lieu of mili-  
tia,

their term of  
service and  
number.

SEC. 9. *And be it further enacted*, That the President be, and he hereby is empowered to organize the said levies, and alone to appoint the commissioned officers thereof, in the manner he may judge proper.

To organize  
the levies and  
appoint officers.

SEC. 10. *And be it further enacted*, That the commissioned and non-commissioned officers, privates and musicians of the militia or said corps of levies, shall, during the time of their service, be subject to the rules and articles of war; and they shall be entitled to the same pay, rations and forage, and, in case of wounds or disability in the line of their duty, to the same compensation as the troops of the United States.

Militia and  
levies to be on  
the same foot-  
ing as troops of  
U. States,

SEC. 11. *And be it further enacted*, That the non-commissioned officers, privates and musicians of the said corps of levies, shall be entitled to receive such proportional quantity of clothing, as their time of service shall bear to the annual allowance of clothing to the troops of the United States, subject, however, to a proportional deduction from their pay.

and entitled to  
clothing,

and bounty,

SEC. 12. *And be it further enacted*, That each of the non-commissioned officers, privates and musicians of the said levies, shall be entitled to receive three dollars as a bounty.

and engage surgeon's mates.

SEC. 13. *And be it further enacted*, That in case the nature of the service, upon which the troops of the United States may be employed, should require a greater number of surgeon's mates than are provided for in the before-mentioned act, the President of the United States may engage, from time to time, such additional number of surgeon's mates, as he shall judge necessary.

Allowance to officers for recruiting.

SEC. 14. *And be it further enacted*, That the commissioned officers, who shall be employed to recruit men for the said regiments, shall be entitled to receive for every recruit who shall be duly enlisted and mustered, the sum of two dollars.

Appropriation of monies for carrying this act into effect, and

SEC. 15. *And be it further enacted*, That for defraying the expense, for one year, of the additional regiment to be raised by virtue of this act; for defraying the expense, for a like term, of the officers mentioned in the seventh section of this act; for defraying the expense of the said militia-horse, militia-foot, and levies, which may be called into, or engaged for the service of the United States, pursuant to this act; for defraying the expense of such surgeon's mates, as may be appointed pursuant to the fifteenth section of this act; for defraying the expense of recruiting the said two regiments; and for defraying the expense of any military posts which the President shall judge expedient and proper to establish, there be and hereby is appropriated a sum, not exceeding three hundred and twelve thousand six hundred and eighty-six dollars and twenty cents, to be paid out of the monies which, prior to the first day of January next, shall arise from the duties imposed upon spirits distilled within the United States, and from stills, by the act, intituled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and also upon spirits distilled within the United States, and for appropriating the same;" together with the excess of duties which may arise from the duties imposed by the said act on imported spirits, beyond those which would have arisen by the act, intituled "An act making farther provision for the payment of the debts of the United States."

its amount;

1791, ch. 15.

1790, ch. 39.

And to the end that the public service may not be impeded for want of necessary means;

which may be borrowed if necessary.

SEC. 16. *Be it further enacted*, That it shall be lawful for the President to take on loan the whole sum by this act appropriated, or so much thereof as he may judge requisite, at an interest not exceeding six per centum per annum; and the fund established for the above-mentioned appropriation, is hereby pledged for the repayment of the principal and interest of any loan to be obtained in manner aforesaid; and in case of any deficiency in the said fund, the faith of the United States is hereby also pledged to make good such deficiency.

APPROVED, March 3, 1791.

Feb. 18, 1791.

Andrew Brown or any other printer under direction of the Secretary of State to print the laws.

I. RESOLVED by the Senate and House of Representatives of the United States of America in Congress assembled, That Andrew Brown, or any other printer, be permitted, under the direction of the Secretary of State, to collate with, and correct by the original rolls, the laws, resolutions and treaties of the United States, to be by him printed. And that a certificate of their having been so collated and corrected be annexed to the said edition. *Provided*, That such collation and correction be at the expense of the said Andrew Brown, or such other printer, and that the person or persons to be by him or them employed in that service, be approved by the Secretary of State.

APPROVED, February 18, 1791.

II. RESOLVED *by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be requested to cause to be communicated to the National Assembly of France the peculiar sensibility of Congress to the tribute paid to the memory of Benjamin Franklin, by the enlightened and free representatives of a great nation, in their decree of the eleventh of June, one thousand seven hundred and ninety.

APPROVED, March 2, 1791.

March 2, 1791.

Acknowledgment of the tribute paid by the National Assembly of France to the memory of Benjamin Franklin.

III. RESOLVED *by the Senate and House of Representatives of the United States of America in Congress assembled*, That a mint shall be established under such regulations as shall be directed by law.

RESOLVED, That the President of the United States be, and he is hereby authorized to cause to be engaged, such principal artists as shall be necessary to carry the preceding resolution into effect, and to stipulate the terms and conditions of their service, and also to cause to be procured such apparatus as shall be requisite for the same purpose.

APPROVED, March 3, 1791.

March 3, 1791.

A Mint to be established.

Act of April 2, 1792.

IV. RESOLVED *by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and he hereby is requested, to cause an estimate to be laid before Congress at their next session, of the quantity and situation of the lands not claimed by the Indians, nor granted to, nor claimed by any of the citizens of the United States, within the territory ceded to the United States, by the State of North Carolina, and within the territory of the United States, northwest of the river Ohio.

APPROVED, March 3, 1791.

March 3, 1791.

An estimate of the lands not claimed by the Indians, or by citizens of the U. States, in North Carolina and in the north west territory, to be made.

Act of April 12, 1792.

V. WHEREAS Congress did, by a resolution of the twenty-third day of September, one thousand seven hundred and eighty-nine, recommend to the several states to pass laws making it expressly the duty of the keepers of their jails to receive and safe keep therein all prisoners committed under the authority of the United States; in order therefore to insure the administration of justice,

RESOLVED *by the Senate and House of Representatives of the United States of America in Congress assembled*, That in case any state shall not have complied with the said recommendation, the marshal in such state, under the direction of the judge of the district, be authorized to hire a convenient place to serve as a temporary jail, and to make the necessary provision for the safe keeping of prisoners committed under the authority of the United States, until permanent provision shall be made by law for that purpose; and the said marshal shall be allowed his reasonable expenses incurred for the above purposes, to be paid out of the treasury of the United States.

APPROVED, March 3, 1791.

March 3, 1791.

Marshal to hire temporary jails in states that have not complied with the former resolution of Congress.